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Abcor Inc, Wilmington, MA Walden Div

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Alabama

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This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

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Air Pollution Regulations in State Implementation Plans:

Alabama

by

Walden Division of Abcor, Inc.
Wilmington, Massachusetts

Contract No. 68-02-2890

EPA Project Officer: Bob Schell

Prepared for

U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Air, Noise, and Radiation
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Research Triangle Park, North Carolina 27711

August 1978

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Publication No. EPA-450/3-78-050

INTRODUCTION

This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act Amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

There have been recent changes in the Federal enforceability of parking management regulations and indirect source regulations. The October, 1977, appropriation bill for EPA prohibited Federal enforcement of parking management regulations in the absence of specific Federal authorizing legislation. Federally promulgated parking management regulations have, therefore, been suspended indefinitely. Pursuant to the 1977 Clean Air Act Amendments, indirect source regulations may not be required for the approval of a given SIP. Consequently, any State adopted indirect source regulations may be suspended or revoked; State adopted indirect source regulations contained in an applicable SIP are Federally enforceable. More importantly, EPA may only promulgate indirect source review regulations which are specific to Federally funded, operated, or owned facilities or projects. Therefore, the Federally promulgated indirect source regulations appearing in this document are not enforceable by EPA except as they relate to Federal facilities.

Since State air quality regulations vary widely in their organization, content, and language, a standardized subject index is utilized in this document. Index listings consist of both contaminant and activity oriented categories to facilitate usage. For example, for regulations which apply to copper smelters, one might look under sulfur compounds (50.2), particulate matter process weight (50.1.1), or copper smelters (51.15). Federal regulations pertaining to a given State immediately follow the approved State and local regulations.

Additionally, a summary sheet of the information included in each comprehensive document is presented prior to the regulatory text to allow one to quickly assess the contents of the document. Specifically, the summary sheets contain the date of submittal to EPA of each revision to the SIP and the date of the Federal Register in which the revision was either approved or disapproved by EPA. Finally, a brief description or reference of the regulation which was submitted is also included.

This document is not intended to provide a tool for determining the enforceability of any given regulation. As stated above, it is intended to provide a comprehensive compilation of those regulations which are incorporated directly or by reference into Title 40, Part 52, of the Code of Federal Regulations. Consequently, the exclusion of a Federally approved regulation from this document does not diminish the enforceability of the regulation. Similarly, the inclusion of a given regulation (for example, regulations governing pollutants, such as odors, for which there is no national ambient air quality standards) in this document does not, in itself, render the regulation enforceable.

SUMMARY SHEET
OF
EPA-APPROVED REGULATION CHANGES
ALABAMA

Submittal Date	Approval Date	Description
2/15/73	4/23/74	Chap. 3, 4, 5, 9 (State) Note: This submittal was missing
9/26/73	2/25/74	Chapter 10
10/31/73	8/8/74	Chapter 5 Note: Old Std. still applies for Widows Creek Power Plant in Jackson Co. (5.1)
5/27/74	5/8/75	Primary AL Plants Part 4.10 Redefine Solid Particulate Matter 1.2.1
6/20/74	8/28/75	Coke oven Part 4.9 Note: 4.9 Note: 4.9.4 not acted on yet
6/4/75	5/11/76	Portland Cement
7/25/75	5/27/76	SO_2 Sulfuric Acid Plants
5/1/75	9/28/76	Fuel Comb. SO_2 Note: Submittal was missing
10/9/75	9/28/76	Classify Counties Note: Submittal was missing
4/23/76	12/21/76	Emergency Episode Note: Submittal was missing

Submittal Date	Approval Date	Description
7/21/76	10/19/77	SO_2 Chapter 5
10/28/76	9/2/77	New Source Part. Standards Chapter 12

FEDERAL REGULATIONS

Section Number	Description
52.56	Review of New Sources and Modifications
52.56 (b)	Regulation Providing for Public Comment
52.60	Prevention of Significant Deterioration

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CHAPTER 1

GENERAL PROVISIONS

(2.0) 1.1 Structure and Numbering of Rules and Regulations

1.1.1 Title and Scope

The provisions contained in these rules and regulations shall be known and may be cited as the Alabama Air Pollution Control Rules and Regulations, and shall apply to all activities and all persons in the State of Alabama, including Federal activities.

1.1.2 Chapters

The normal division of these rules and regulations are chapters, which should encompass a broad subject matter. Chapters are numbered consecutively in Arabic throughout the rules and regulations.

1.1.3 Parts

The normal division of chapters are parts. A part should be devoted to a specific subject matter within a chapter. Parts are numbered consecutively in Arabic throughout each chapter and shall include the number of the chapter set off by a decimal point. Thus, the part number for part 15 within Chapter 3 is 3.15.

1.1.4 Sections

The normal divisions of parts are sections. The section is the basic unit of these rules and regulations. Sections are numbered consecutively in Arabic throughout each part and shall include the numbers of the part set off by a decimal point. Thus, the section number for section 26 of Part 3.15 is 3.15.26.

1.1.5 Internal Division of Sections

Whenever internal divisions are necessary, sections shall be subdivided into paragraphs, paragraphs into subparagraphs, and subparagraphs into subdivisions, designated as follows:

Terminology	Illustrative symbol
Paragraph	(a)
Subparagraph	(1)
Subdivision	(i)

1.1.6 Promulgation Procedure

All requirements and provisions subject to inclusion in these rules and regulations shall be drafted as amendments to the Alabama Air Pollution Control Rules and Regulations and prepared in accordance the provisions of this part and with, insofar as it applies and does not conflict with this part, the provisions of Part 17 of Title 1 of the Code of Federal Regulations, as the same may be amended or revised.

1.1.7 Relation Back of Amendments

Whenever any provision of an amendment relates, either directly or indirectly, to an already applicable rule or regulation set forth herein, the amendment relates back to the date of initial adoption or promulgation of such rule or regulation, unless such amendment or the promulgating statement clearly evidence otherwise.

(1.0) 1.2 Definitions

1.2.1 Meaning of Terms

As used in these rules and regulations, terms shall have the meanings ascribed in this part.

"Act" shall mean the Alabama Air Pollution Control Act of 1971, Act No. 769, Regular Session, 1971.

"Air Contaminant" shall mean any solid, liquid, or gaseous matter, any odor, or any combination thereof from whatever source.

"Air Pollution" shall mean the presence in the outdoor atmosphere of one or more air contaminants in such quantities and duration as are, or tend to be, injurious to human health or welfare, animal or plant life, or property, or would interfere with the enjoyment of life or property throughout the State and in such territories of the State as shall be affected thereby.

"Air Pollution Emergency" shall mean a situation in which meteorological conditions and/or contaminant levels in the ambient air reach or exceed the levels which may cause imminent and substantial endangerment to health.

"Air Quality Control Region" shall mean jurisdictional areas designated at Part 81 of Title 40 of the Code of Federal Regulations.

"Chairman" shall mean the Chairman, or in his absence, the Vice Chairman, of the Commission.

"Commission" shall mean the "Air Pollution Control Commission of the State of Alabama" established by the Act.

"Commenced" shall mean that an owner or operator has undertaken a continuous program of construction or modification or than an owner or operator has entered into a binding agreement or contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

"Complex Source" shall mean any facility, building structure, installation or combination thereof which causes emissions to be generated through associated mobile source activity.

"Construction" shall mean fabrication, erection, or installation of an affected facility.

"Control" shall mean any device which has the function of controlling the emissions from a process, fuel-burning, or refuse-burning device and thus reduces the creation of, or the emission of air contaminants into the atmosphere, or both.

"Control Strategy" shall mean a collection of various emission standards selected for the different categories of sources.

"Control Regulation" shall mean a legally enforceable emission control strategy.

"County Classification" shall mean the designation Class 1 County or Class 2 County. All facilities, plants or other installations shall be subject to the restrictions on air pollution emissions specific to the county classification of the county in which they are located.

(a) A "Class 2 County" shall mean a county in which:

(1) More than 50 percent of the county population resides in a non-urban place, as defined by the U. S. Department of Commerce Census Bureau for 1970.

(2) No secondary Nation Ambient Air Quality standard is being exceeded based on 1971 air quality measurements.

(b) A "Class 1 County" shall mean a county in which the conditions of either subparagraph (a)(1) or (a)(2) above or both are not met.

"Director" shall mean the Director of the Division of Air Pollution Control of the Department of Public Health which is established by the Act.

"Effluent Water Separator" shall mean any tank, box, sump, or other container in which any volatile organic compound floating on or entrained or contained in water entering such tank, box, sump, or other container is physically separated and removed from such water prior to outfall, drainage, or recovery of such water.

"Existing Source" shall mean any source in operation or on which construction as commenced on the date of initial adoption of an applicable rule or regulation; except that any existing source which has undergone modification after the date of initial adoption of an applicable rule or regulation, shall be reclassified and considered a new source.

"Emission" shall mean a release into the outdoor atmosphere of air contaminants.

"Employee" shall mean any employee of the Commission or Division.

"Federal Act" shall mean the Clean Air Act (42 U.S.C. 1856 et seq.) as last amended, and as may hereafter be amended.

"Fuel-Burning Equipment" shall mean any equipment, device, or contrivance and all appurtenances thereto, including ducts, breechings, fuel-feeding equipment, ash removal equipment, combustion controls, stacks and chimney, used primarily, but not exclusively, to burn any fuel for the purpose of indirect heating in which the material being heated is not contacted by and adds no substance to the products of combustion.

"Fugitive Dust" shall mean solid air-borne particulate matter emitted from any source other than a flue or stack.

"Heat Available" shall mean the aggregate heat content of all fuels whose products of combustion pass through a stack or stacks.

"Heat Input" shall mean the equipment manufacturer's or designer's nameplate or actual (whichever is greater) capacity of the fuel combustion unit.

"Incinerator" shall mean any equipment, device or contrivance and all appurtenances thereof used for the destruction by burning of solid, semi-solid, liquid, or gaseous combustible wastes.

"Maximum Process Weight Per Hour" shall mean the equipment manufacturer's or designer's guaranteed maximum (whichever is greater) process weight per hour.

"Modification" shall mean any physical change in, or change in the method of operation of, an affected source which increases the amount of any air contaminant (to which a rule or regulation applies) emitted by such source or which results in the emission of any air contaminant (to which a rule or regulation applies not previously emitted, except that:

(a) Routine maintenance, repair, and replacement shall not be considered physical changes, and

(b) The following shall not be considered a change in the method of operation:

(1) An increase in the production rate;

(2) An increase in hours of operation;

(3) Use of an alternative fuel or raw material

"New Source" shall mean any source built or installed on or after the date of initial adoption of an applicable rule or regulation and any source existing at said stated time which later undergoes modification. Any source moved to another premise involving a change of location after the date of initial adoption of an applicable rule or regulation shall be considered a new source.

"Odor" shall mean smells or aromas which are unpleasant to persons, or which tend to lessen human food and water intake, interfere with sleep, upset appetite, produce irritation of the upper respiratory tract, or cause symptoms of nausea, or which by their inherent chemical or physical nature, or method of processing, are, or may be, detrimental or dangerous to health. Odor and smell are used interchangeably herein.

"Opacity" shall mean the obscuration to an observer's view produced by smoke of any color that is equivalent to an obscuration by smoke of a shade specified in the Ringelmann Smoke Chart published by the United States Bureau of Mines.

"Open Burning" shall mean the burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the ambient air without passing through an adequate stack, duct, or chimney.

"Operating Time" shall mean the number of hours per year that a source conducts operations.

"Owner or operator" shall mean any person who owns, leases, operates, controls, or supervises an affected facility, article, machine, equipment, other contrivance, or source.

"Particulate Matter" shall mean finely divided material, except uncombined water which is a liquid or a solid at standard conditions of temperature at 63°F and pressure at 14.7 pounds per square inch absolute.

"Priority Classification" shall mean Air Quality Control Region Pollution Priority Classifications set forth at Part 52 of Title 40 of the Code of Federal Regulations.

"Process" shall mean any action, operation, or treatment of materials, including handling and storage thereof, which may cause discharge of an air contaminant, or contaminants, into the atmosphere, but excluding fuel burning and refuse burning.

"Process Weight" shall mean the total weight in pounds of all materials introduced into any specific process which may cause any discharge into the atmosphere.

"Process Weight Per Hour" shall mean the total weight of all materials introduced into any specific process that may cause any discharge of particulate matter. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. For a cyclical or batch operation, the process weight per hour will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle. For a continuous operation, the process weight per hour will be derived by dividing the process weight for a typical period of time by that time period.

"Refuse" shall mean matter consisting of garbage, rubbish, ashes, street debris, dead animals, abandoned vehicles, industrial wastes, demolition wastes, construction wastes, special wastes, or sewage treatment residue.

"Ringelmann Chart" shall mean the chart published and described in U. S. Bureau of Mines Information Circular 8333.

"Smoke" shall mean gas-borne particles resulting from incomplete combustion, consisting predominantly, but not exclusively, of carbon, ashes, or other combustible material.

"Soiling Index" shall mean a measure of the soiling properties of suspended particles in air determined by drawing a measured volume of air through a known area of Whatman No. 4 filter paper for a measured period of time, expressed as COHs/1,000 linear feet.

"Source" shall mean any building, structure, facility, installation, article, machine, equipment, device, or other contrivance which emits or may emit any air contaminant. Any activity which utilizes abrasives or chemicals for cleaning or any other purpose (such as cleaning the exterior of buildings) which emits air contaminants shall be considered a source.

"Stack or ducts" shall mean any flue duct, or other contrivance arranged to conduct emissions to the open air.

"Startup" shall mean the setting in operation of an affected source for any purpose.

"State" shall mean the State of Alabama.

"Submerged Fill Pipe" shall mean any fill pipe, the discharge opening of which is entirely submerged when the liquid level is 6 inches above the bottom of the tank; or when applied to a tank which is loaded from the side, shall mean any fill pipe, the discharge opening of which is entirely submerged when the liquid level is two times the fill pipe diameter, in inches, above the bottom of the tank.

"Uncombined Water" shall mean any water droplets or water vapor condensate that does not contain any other solid or liquid particulate matter attached to the water droplets.

"Volatile Organic Compounds" shall mean any compound containing carbon and hydrogen or containing carbon and hydrogen in combination with any other element which has a vapor pressure of 1.5 pounds per square inch absolute or greater under actual storage conditions.

(2.0) 1.3 Organization

1.3.1 Administration of Division

The Division of Air Pollution Control created by Section 4(a) of the Act shall be a division of the Bureau of Environmental Health of the Alabama Department of Public Health and shall be administered according to the direction of the State Health Officer.

1.3.2 Appointment of the Director

The Director of the Division shall be appointed by the Commission in accordance with the Merit System laws of this State. The Director shall, at the time of his appointment, meet the qualifications and requirements of the Public Health Engineer V, or higher, classification as established by the State Personnel Board, and this shall have been certified by the State Personnel Director. The Director shall be compensated pursuant to a compensation plan approved by the State Personnel Board.

1.3.3 Organization of the Division

The Director shall divide the Division into appropriate organizational units for the purpose of distributing duties, responsibilities, and work among the various personnel of the Division. Within limits of rules and regulations of the State Personnel Board, the Director may appoint the heads of the organizational units so created. The creation of organizational units and the appointment of unit heads shall be reported to the Commision and shall be subject to its approval.

1.3.4 Division Personnel

Subject to the State Merit System laws and the limitations of budget, the Director may employ, in the name of the Commission, such technical, administrative and clerical, and other personnel as he deems necessary to carry out the purposes and provisions of the Act. Personnel actions taken by the Director shall be reported to the Commission from time to time.

(14.0) 1.4 Availability of Records and Information

1.4.1 Public Inspection of Records

Except as is provided in this part, any records, reports or information obtained under the Act, and the official records of the Commission shall be available to the public for inspection. Permission to inspect such records should be made to the Director, Alabama Air Pollution Control Commission, Montgomery, Alabama 36104, unless otherwise directed in published organizational, procedural, or regulatory statements pertaining to specific records or classes of records. Such request should state the general subject matter of the records sought to be inspected to permit identification and location.

1.4.2 Exceptions

Upon a showing satisfactory to the Director by any person that records, reports, or information, or particular part thereof, (other than emission data) to which the Commission has access if made public, would divulge production or sales figures or methods, processes or production unique to such person, or would otherwise tend to affect adversely the competitive position of such person by revealing trade secrets, the Commission and the Director shall consider such record, report, or information or particular portion thereof confidential in the administration of the Act.

1.4.3 Creation of Record

Records will not be created by compiling selected items from other documents at the request of a member of the public, nor will records be created to provide the requester with data such as ratios, proportions, percentages, frequency distribution, trends, correlations, or comparisons.

1.4.4 Denial of Requests for, or Non-existence of, Information

If it is determined pursuant to this Part that requested information will not be provided or that, to the best knowledge of the Director, requested information does not exist, the Director shall notify in writing the party requesting the information that the request is either denied or cannot be fulfilled.

1.4.5 Copies of Documents

If it is determined that information requested may be disclosed, the requesting party shall be afforded the opportunity to obtain copies of the documents containing such information. However, records shall not be released for copying by non-Division personnel except by permission of the Director. When a determination not to disclose a portion of information requested has been made, records shall be masked for copying of nonexcepted portions of the information.

1.4.6 Disclosure of Information to Other Agencies

Nothing in these rules and regulations shall be construed to prevent disclosure of any report, record or information obtained under the Act, or any of the official records of the Commission to Federal, State, or local air pollution control laws, or when relevant in any proceedings under the Act.

1.4.7 Correlation of Information

As soon as practicable, the Director shall provide for public availability of emission data reported by source owners or operators or otherwise obtained by the Director of the Division. Such emission data shall be correlated with applicable emission limitations or other measures. As used in this section, "correlated" means presented in such a manner as to show the relationship between measured or estimated amounts of emissions and the amounts of such emissions allowable under these rules and regulations.

(2.0) 1.5 Employee Responsibilities and Conduct

1.5.1 Introduction

People who work for the Alabama Air Pollution Control Commission are in a special category. They are not only employed by the Commission, which may be their immediate "boss", but more importantly, they are paid by the people of Alabama. Consequently, they have an obligation not only to their immediate supervisors, but also to the taxpayer to assure that he gets his "money's worth". As a result, Commission employees live in somewhat of a glass house and must adhere to high moral and ethical standards in their business relationships and personal conduct.

It is virtually impossible to set out specific "rules" to govern each employee's conduct in all phases of his job. This is not the intent of these guidelines. Rather, it is an attempt to present some of the more frequent or common situations which arise and to provide each employee with general guidelines to assist him in carrying out his duties in an efficient and responsible manner without the need for specific identification of everything he can or cannot do.

1.5.2 General Comments

Commission employees are expected to comply with all statutes and rules of the State and their communities. It is not the intent of the Commission as an employer to be concerned with the non-working time of its employees. However, when off-duty conduct has a bearing on the Commission operations or brings discredit upon the Commission or State government, then such conduct does legitimately become a concern and could result in appropriate disciplinary action against the employee.

The Commission employee must be especially careful to avoid such things as using his official position for personal gain, giving unjustified preferences, losing sight of the need for efficient and impartial decisions in methods of operation, or committing an act which could result in questioning the integrity of the Division or Commission.

1.5.3 Gifts and Favors

Commission employees ought to be especially careful in their relationships to avoid any taint of irresponsibility by accepting any gift or gratuity from a non-employee who is now or is seeking to do business with the Commission or whose business is regulated by the Commission. Many times an employee will be offered items of nominal value such as pens, pencils, calendars, matches, etc. It would not be improper to accept these items as long as both parties recognize that there is no intent to affect a business relationship. Likewise, there will be times when non-employees will offer to take a Commission employee to lunch to discuss business. This, too, can be proper or improper depending on the circumstances. If done on an infrequent basis and in the ordinary course of business, it would appear to be proper. However, if the intent of either party was to allow the social affair to affect the business transaction, it most definitely would be improper. Each employee must be conscious of the possibility of impropriety and make his own decision as to the particular situation.

1.5.4 Outside Employment

Each full-time Commission employee is expected to devote his entire working hours to his job and to the business of the Commission. While there is no absolute bar to outside employment, such employment must not interfere with complete attention to the employee's responsibilities as a Commission employee. There are, of course, some outside employment situations which could result in a conflict of interest between the two jobs. These kinds of involvements between outside activities and

Commission employment must be strictly avoided. If the employee has any question that a conflict of interest situation might develop, he should immediately discuss the situation with the Director.

Naturally, an employee should not receive any compensation from any outside source for the performance of his Commission responsibilities.

Employees are, of course, encouraged to participate in civic organization activities, again where such activities do not interfere with full performance of the employee's Commission responsibilities.

1.5.5 Use of Privileged Information

Many Commission employees will deal with plans and programs of significant public interest. Employees must not use this privileged information to their own financial advantage or to provide friends and acquaintances with financial advantages, or with information which could be used for financial advantage.

If an employee finds that he has an outside financial interest which could be affected by Commission plans or activities, he should immediately report the situation to the Director.

Each employee is charged with the responsibility of insuring that he releases only information that should be made available to the general public.

1.5.6 Use of State Property

Employees should not, directly or indirectly, use or allow the use of Commission or State property of any kind for other than official activities.

1.5.7 Conclusion

The foregoing guidelines should assist each employee in more efficiently carrying out his responsibilities as a Commission employee. As mentioned earlier, these standards are not intended to be all-encompassing, nor to spell out each kind of situation that will arise. Likewise, it has not been spelled out in detail all of those actions such as theft of State property, being intoxicated on the job, etc., which is recognized as subjecting a person to disciplinary action.

It is well recognized that many problems will arise in the daily course of an employee's activities which could raise some question in his mind as to what action he should take. Each employee is encouraged to discuss these matters with the Director to obtain guidance and assistance.

(4.0) 1.6 Ambient Air Quality Standards

1.6.1 Primary and Secondary Standards

The National primary ambient air quality standards and national secondary ambient air quality standards and accompanying appendices of reference methods, set forth as Part 50 of Title 40 of the Code of Federal Regulations, as the same may be amended or revised, are hereby incorporated and made a part of these regulations, and shall apply throughout the State.

1.6.2 Policy

It is the objective of the Commission to obtain and maintain the ambient air quality standards of this Part in achieving the policy and purpose of the Act and as required by the Federal Act. The adoption hereby of the national primary and secondary ambient air quality standards shall not be considered in any manner to allow significant deterioration of existing air quality in any portion of the State.

1.6.3 Attainment of Primary Standard

These rules and regulations and the administration of the Division by the Director shall provide for the attainment of the national primary ambient air quality throughout the State as expeditiously as practicable, but in no case later than three years after the date of initial adoption of these rules and regulations or within the time limits specified by Section 110(a) of the Clean Air Act, as amended (84 Stat. 1680), whichever is later.

1.6.4 Attainment of Secondary Standard

To the extent practicable and feasible, these rules and regulations and the administration of the Division by the Director shall strive for the attainment of the national secondary ambient air quality throughout the State concurrently with the attainment of the national primary ambient air quality standard as provided in Section 1.6.3.

1.6.5 Affect on Interstate Air Quality Control Regions

The administration of the Division by the Director shall insure that air contaminants emitted within an Alabama portion of an Interstate Air Quality Control Region designate at Part 81 of Title 40 of the Code of Federal Regulations will not interfere with attainment and maintenance of any national primary or secondary ambient air quality standard in the remaining portion of such region. To this end, the Director is authorized to advise and consult with air pollution control agencies to achieve the purposes of this section.

(9.0) (13.0) 1.7 Monitoring, Records, Reporting

1.7.1 The Director may require the owner or operator of any air contaminant source to establish and maintain such records; make such reports; install, use and maintain such monitoring equipment or methods; sample such emissions in accordance with such methods, at such locations, intervals and procedures as the Director may prescribe; and provide such periodic emission reports as required in Section 1.7.2.

1.7.2 Reports

Records and reports as the Director may prescribe on air contaminants or fuel shall be recorded, compiled and submitted on forms furnished by the Director or when forms are not so furnished, then in formats approved by the Director.

(a) Emissions of particulate matter, sulfur dioxide, and oxides of nitrogen shall be expressed as follows: in pounds per hour and pounds per million B.T.U. of heat input for fuel-burning equipment; in pounds per hour and pounds per 100 pounds of refuse burned for incinerators; and in pounds per hour and in pounds per hourly process weight or production rate or in terms of some other easily measured and meaningful process unit specified by the Director.

(b) Sulfur dioxide and oxides of nitrogen emission data shall be averaged over a 24-hour period and shall be summarized monthly. Daily averaged and monthly summaries shall be submitted to the Director biannually. Data should be calculated daily and available for inspection at any time.

(c) Particulate matter emissions shall be sampled and submitted biannually.

(d) Visible emissions shall be measured continuously and records kept indicating total minutes per day in which stack discharge effluent exceeds 20 percent opacity. Data should be summarized monthly and submitted monthly and submitted biannually. Current daily results shall be available for inspection at any time.

(e) The sulfur content of fuels, as burned, except natural gas, shall be determined in accordance with current recognized ASTM procedures. Averages for periods prescribed by the Director shall be submitted biannually. Records shall be kept current and be available for inspection.

(9.0) 1.8 Sampling and Testing Methods

1.8.1 Methods

All required sampling and testing shall be made and the results calculated in accordance with sampling and testing procedures and methods approved by the Director. All required samples and tests shall be made under the direction of persons qualified by training and/or experience in the field of air pollution control.

1.8.2 Standard Methods

The Director, to the extent practicable, should recognize and approve the test methods and procedures established by Part 60 of Title 40 of the Code of Federal Regulations, as the same may be amended or revised.

1.8.3 The Division may conduct tests and take samples of air contaminants, fuel, process material or other material which affects or may affect emission of air contaminants from any source. Upon request of the Division, the person responsible for the source to be tested shall provide necessary holes in stacks or ducts and such other safe and proper sampling and testing facilities exclusive of instruments and sensing devices as may be necessary for proper determination of the emission of air contaminants. If an authorized employee of the Division during the course of an inspection obtains a sample of air contaminant, fuel, process material, or other material, he shall give the owner or operator of the equipment or fuel facility a receipt for the sample obtained.

1.8.4 Report to Owner or Operator

At the conclusion of any inspection under Section 9 of the Act, or conduction of any testing or sampling under this Part, if requested, the owner or operator of the premises shall receive a report setting forth all facts found which relate to compliance status with the Act and these rules and regulations.

(6.0) 1.9 Compliance Schedule

1.9.1 Scope

Except as otherwise specified, compliance with the provisions of these rules and regulations shall be according to the time schedule of this Part.

1.9.2 New Sources

All new sources shall comply with the applicable rules and regulations of Chapter 3 et seq. within 60 days after achieving the maximum production rate at which the affected source will be operated, but not later than 120 days after initial startup of such source, unless the Director specifies another period of time as a condition to the issuance of any Permit under Part 1.12.

1.9.3 Existing Sources

All existing sources not in compliance as of the date of initial adoption of an applicable rule or regulation contained in Chapter 3 et seq. shall be in compliance within 6 months of such initial date unless the owner or operator responsible for the operation of such source shall have submitted to the Director in a form and manner satisfactory to him, a control plan and schedule for achieving compliance, such plan and schedule to contain a date on or before which full compliance will be attained, and such other information as the Director may require. Any such plan and schedule expected to extend over a period of 18 or more months from such initial date shall include provisions for periodic increments of progress toward full compliance. If approved by the Director, such dates shall be the dates on which such owner or operator shall achieve incremental progress and full compliance. The Director may require persons to submit subsequent periodic reports on progress in achieving compliance. In no event shall the control plan and schedule exceed 3 years from the date of initial adoption of an applicable rule or regulation. The provisions of this Section shall not apply to sources for which permits are required under Part 1.12.

1.9.4 Nothing in this Part shall relieve any person, or any new or existing source from complying with the provisions of Chapters 1 and 2 of these rules and regulations.

(7.0) (13.0) 1.10 Maintenance and Malfunctioning of Equipment; Reporting

1.10.1 Maintenance; Reporting

In the case of shutdown of air pollution control equipment (which operates pursuant to any permit issued by the Director) for necessary scheduled maintenance, the intent to shut down such equipment shall be reported to the Director at least twenty-four (24) hours prior to the planned shutdown, unless such shutdown is accompanied by the shutdown of the source which such equipment is intended to control. Such prior notice shall include, but is not limited to the following:

(a) Identification of the specific facility to be taken out of service as well as its location and permit number.

(b) The expected length of time that the air pollution control equipment will be out of service.

(c) The nature and quantity of emissions of air contaminants likely to occur during the shutdown period.

(d) Measures such as the use of off-shift labor and equipment that will be taken to minimize the length of the shutdown period.

(e) The reasons that it would be impossible or impractical to shut down the source operation during the maintenance period.

1.10.2 Malfunction; Reporting

In the event that any emission source, air pollution-control equipment, or related facility fails or breaks down in such manner as to cause the emission of air contaminants in violation of these rules and regulations, the person responsible for such source, equipment, or facility shall notify the Director within 24 hours of such failure or breakdown and provide a statement giving all pertinent facts, including the estimated duration of the breakdown. The Director shall be notified when the condition causing the failure or breakdown has been corrected and such source, equipment, or facility is again in operation.

(2.0) 1.11 Prohibition of Air Pollution

No person shall permit or cause air pollution, as defined in Section 1.2.1 of this Chapter by the discharge of any air contaminant for which no ambient air quality standards have been set under Section 1.6.1.

(3.0) 1.12 Permits

1.12.1 Permits Required

(a) Permit to Construct - Any person building, erecting, altering or replacing any article, machine, equipment or other contrivance, the use of which may cause the issuance of or an increase in the issuance of air contaminants or the use of which may eliminate or reduce or control the issuance of air contaminants, shall first obtain authorization for such construction from the Director in the form of a Permit to Construct. A Permit to Construct shall remain in effect until the permit to operate the equipment for which the application was filed is granted or denied or the application is canceled.

(b) Permit to Operate

(1) Before any article, machine, equipment or other contrivance described in paragraph (a) may be operated or used, a written permit shall be obtained from the Director. No permit to operate shall be granted for any article, machine, equipment or contrivance described in paragraph (a), constructed or installed without authorization as required by paragraph (a), until the information required is presented to the Director and such article, machine, equipment or contrivance is altered, if necessary, and made to conform to the standards established by the

Commission.

(2) Any article, machine, equipment or other contrivance described in paragraph (a) which is presently operating (or which is not presently operating but which is capable of being operated) without a Permit to Operate, may continue to operate (or may restart) only if its owner or operator obtains a Permit to Operate prior to a date to be set by the Director (or prior to restarting).

(3) The Director shall have the authority to decide cases where an article, machine, equipment, or other contrivance is not clearly subject to nor exempt from the application of this Part. In addition, the Director may rule that a particular article, machine, equipment or other contrivance is subject to the application of this Part even though it is exempt from the system according to Sections 1.12.1 and 1.12.2 of this Part. The operator or builder of such an article, a machine, equipment or other contrivance may appeal the the Director's classification to the Commission, which shall overrule the Director only if it is shown that he acted arbitrarily and contrary to the purposes of the Act.

(c) Display of Permit to Operate - A person who has been granted a Permit to Operate any article, machine, equipment, or other contrivance shall keep such Permit under file or on display at all times at the site where the article, machine, equipment, or other contrivance is located and will make such a permit readily available for inspection by any and all persons who may request to see it.

1.12.2 Exemptions

From time to time the Director may specify certain classes or sizes or articles, machines, equipment, or other contrivances which would normally be subject to the requirement to obtain Permits to Operate or Construct, as being exempt from the requirement to obtain such permits. Exempt sources are subject in every other way to these rules and regulations.

1.12.3 Transfer

A Permit to Construct or Operate shall not be transferable whether by operation of law or otherwise, either from one location to another, from one piece of equipment to another, or from one person to another.

1.12.4 Applications

Every application for a Permit to Construct or Operate required under Section 1.12.1 shall be filed in the manner and form prescribed by the Director and shall give all the information necessary to enable the Director to make the determination required by Section 1.12.8.

1.12.5 Cancellation of Applications

A Permit to Construct shall expire and the application shall be canceled two years from the date of issuance of the Permit to Construct if the construction has not begun.

1.12.6 Action on Application

The Director shall act, within a reasonable time, on an application for Permit to Construct, Permit to Operate and shall notify the applicant in writing of its approval, conditional approval or denial.

1.12.7 Provision of Sampling and Testing Facilities

A person operating or using any article, machine, equipment or other contrivance for which these rules and regulations require a permit shall provide and maintain such sampling and testing facilities as specified in the Permit to Construct or Permit to Operate.

1.12.8 Standards for Granting Applications

(a) The Director shall deny a permit except as provided by Section 1.12.9, if the applicant does not show that every article, machine, equipment or other contrivance, the use of which may cause the issuance of air contaminants, is so designed, controlled, or equipped with such air pollution control equipment, that it may be expected to operate without emitting or without causing to be emitted air contaminants in violation of these rules and regulations.

(b) The Director shall deny a permit if the applicant does not present, in writing, a plan whereby the emission of air contaminants by every article, machine, equipment, or other contrivance described in the permit application, will be reduced during periods of an Air Pollution Alert, Air Pollution Warning, and Air Pollution Emergency in accordance with the provisions of Chapter 2.

(c) Before a Permit to Construct or Permit to Operate is granted, the Director may require the applicant to provide and maintain such facilities as are necessary for sampling and testing purposes in order to secure information that will disclose the nature, extent, quantity or degree of air contaminants discharged into the atmosphere from the article, machine, equipment or other contrivance described in the Permit to Construct or Permit to Operate. In the event of such a requirement, the Director shall notify the applicant in writing of the required size, number and location of the sampling platform; the access to the sampling platform; and the utilities for operating the sampling and testing equipment.

(d) The Director may also require the applicant to install, use and maintain such monitoring equipment or methods; sample such emissions in accordance with such methods, at such locations, intervals and procedures as may be specified; and provide such information as the Director may require.

(e) Before acting on an application for Permit to Construct or Permit to Operate, the Director may require the applicant to furnish further information or further plans or specifications.

(f) In acting upon a Permit to Operate, if the Director finds that the article, machine, equipment or other contrivance has been constructed not in accordance with the Permit to Construct and if the changes noted are of a substantial nature in that the amount of air contaminants emitted by the article, machine, equipment or other contrivance may be increased, or in that the effect is unknown, then he shall deny the Permit to Operate. The Director shall not accept any further application for a Permit to Operate until the article, machine, equipment or other contrivance has been reconstructed in accordance with the Permit to Construct, or until the applicant has proven to the satisfaction of the Director that the change will not cause an increase in the emission of air contaminants.

(g) The Director shall deny a Permit to Construct where he determines that the construction and operation of such source will interfere with attaining or maintaining any primary or secondary standard established by Section 1.6.1 or will allow significant deterioration of existing air quality.

(h) In granting any Permit to Operate, the Director may allow, as a condition of such permit, for the intermittent discharge of air contaminants,during startup, shut down, rate change or load change, in excess of the limitations specified in these rules and regulations where he finds that because of the nature of the source there is no practicable alternative.

1.12.9 Conditional Permit

(a) The Director may issue a Permit to Construct or a Permit to Operate subject to conditions which will bring the operation of any article, machine, equipment or other contrivance within the standards of Section 1.12.8, in which case the conditions shall be specified in writing. Commencing work under such a Permit to Construct or a Permit to Operate shall be deemed acceptance of all the conditions specified. The Director shall issue a Permit to Construct or a Permit to Operate with revised conditions upon receipt of a new application, if the applicant demonstrates that the article, machine, equipment or other contrivance can operate within the standards of Section 1.12.8 under the revised conditions.

(b) A Conditional Permit may allow an article, machine, equipment or other contrivance to be operated in violation of the conditions of Section 1.12.8 if one of the conditions of the permit is a definite schedule by which the article, machine, equipment, or contrivance may attain the conditions of Section 1.12.8 and be granted a Permit to Operate, and if the schedule provides for attaining the conditions of Section 1.12.8 at the earliest possible date and is approved by the Director. A Conditional Permit will be revoked if the applicant does not submit progress reports to the Director according to the schedule established by the Conditional Permit. The Director may further revoke the Conditional Permit if the progress reports do not show satisfactory progress as specified by the terms of the Conditional Permit or if the progress reports are found to be inaccurate.

(c) A Conditional permit that allows any new article, machine, equipment or contrivance to operate in violation of the requirements of Section 1.12.8 may not be granted for a period of time greater than one year, including all renewals.

(d) No Conditional Permit issued under this Section for any existing article, machine, equipment or contrivance may be granted for a period of time longer than the greater of the following periods:

    (1) The period from the granting of the permit to a date three years after the date of initial adoption of an applicable rule or regulation.

    (2) The period from the granting of the permit to a date three years after the date the Administrator of the U. S. Environmental Protection Agency approves, in accordance with Section 110 of the Federal Act, such applicable rule or regulation as a part of an implementation plan (or any revision thereof).

1.12.10 Temporary Permit to Operate

Upon application for a Permit to Operate by a new facility, the Director shall, within a reasonable period of time, dispatch an inspector to the facility in question. If the inspector determines that the facility has been constructed according to the specifications as set forth under the Permit to Construct, or else that any changes to the facility would reduce or effect to an unsubstantial degree that quantity of air contaminants emitted by the facility, and if a reviewing officer of the Division agrees with this conclusion, then the Director shall issue a temporary Permit to Operate which will remain in force until an official inspection of the facility under actual operating conditions can be made and the results reviewed or until the Temporary Permit is suspended or revoked by the Director. The Director may issue a Temporary Permit to Operate without an inspection if the applicant fulfills the following requirements:

(a) The application for a Permit to Construct is filled out and countersigned by a Professional Engineer familiar with air pollution control as it relates to the equipment under application.

(b) Upon completion of the construction, a Professional Engineer familiar with the Permit to Construct submits a letter to the Director, signed and sealed with his professional stamp, testifying that the construction under application has been completed and is in accordance with the specification as set down in the Permit to Construct. The Director, is empowered to reject the testimony of the Professional Engineer if the Director decides that the Professional Engineer's qualifications are insufficient to allow him to accurately and completely assess the equipment in question. A Professional Engineer may appeal any such judgement to the Commission.

1.12.11 Denial of Application

In the event of denial of a Permit to Construct or Permit to Operate, the Director shall notify the applicant in writing of the reason therefor. Service of this notification may be made in person or by mail, and such service may be proved by the written acknowledgement of the persons served or affidavit of the person making the service. The Director shall not accept a further application unless the applicant has complied with the objections specified by the Director as its reasons for denial of the Permit to Construct or the Permit to Operate.

1.12.12 Appeals

Within 10 days after notice by the Director of denial or conditional approval of a Permit to Construct or Permit to Operate, the applicant may petition the Commission, in writing, for a review. The Commission may sustain or reverse the action of the Director; such order may be made subject to specified conditions.

1.12.13 The holder of a Permit under this Part shall comply with conditions contained in such Permit as well as all applicable provisions of these rules and regulations except where violations are specifically allowed in accordance with a Conditional Permit issued under Section 1.12.9.

(5.0) 1.13 Variances

1.13.1 Petition Procedures

(a) Any person subject to any rule or regulation, requirement or order, may petition the Commission for a variance from the application thereof as prescribed by the Act. A petition for a variance must state the following:

(1) The name, address and telephone number of the petitioner, or other person authorized to receive service of notices.

(2) Whether the petitioner is an individual, partnership, corporation or other entity, and names and address of the officers, if a corporation, and names and address of the persons in control, if other entity.

(3) The type of business or activity involved in the application and the street address at which it is conducted.

(4) A brief description of the article, machine, equipment or other contrivance, if any, involved in the petition.

(5) The signature of the petitioner, or that of some person on his behalf, and, where the person signing is not the petitioner, the authority to sign.

(6) The rule or regulation, requirement or order complained of from which a variance is requested.

(7) The facts showing why compliance with such rule or regulation, requirement or order would impose serious hardship on the petitioner or on any other person or persons without equal or greater benefits to the public.

(8) The facts showing why the emissions occuring or proposed to occur do not endanger or tend to endanger human health or

safety, human comfort, and aesthetic values.

(9) For what period of time the variance is sought and why.

(10) Provisions of the rule or regulation, requirement or order which the petitioner can meet and the date when petitioner can comply with such provisions.

(11) Whether or not any case involving the same identical equipment or process identified in subparagraph (4) above is pending in any court, civil or criminal.

(b) All petitions shall be typewritten, double spaced, on legal or letter size paper, on one side of the paper only.

1.13.2 Failure to Comply with Procedures

(a) The Director shall not accept for filing, any petition which does not comply with these rules and regulations relating to the form, filing and service of petitions unless the Chairman or any two members of the Commission direct otherwise and confirm such direction in writing. Such direction need not be made at a meeting of the Commission.

(b) The Chairman or any two members, without a meeting, may require the petitioner to state further facts or reframe a petition so as to disclose clearly the issues involved.

1.13.3 Objection Procedures

(a) A person may file a written objection to the grant of a variance within 21 days from initial advertised notice and thus insure that a public hearing will be held, according to Section 12 (d) of the Act. An objection to the grant of a variance must state:

(1) The objector's name, address, and telephone number.

(2) Whether the objector is an individual, partnership, corporation or other entity, and names and address of the partners if a partnership, names and address of the officers if a corporation, and the names and the address of the persons in control if other entity.

(3) A specification of which petition for a variance is being objected to.

(4) A statement indicating why the objector believes that the variance should not be granted.

(b) All objections should be typewritten or carefully printed in ink on legal or letter size paper.

1.13.4 Rules of Evidence at Hearing

(a) Each party shall have these rights: to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him to testify; and to rebut the evidence against him. If a petitioner or objector does not testify in his own behalf, he may be called and examined as if under cross-examination.

(b) The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be submitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which may make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions, and irrelevant and unduly repetitious evidence shall be excluded.

(2.0) 1.14 Circumvention

No person shall cause or permit the installation or use of any device or any means which, without resulting in reduction in the total amount of air contaminant emitted, conceals or dilutes any emission of air contaminant which would otherwise violate these rules and regulations.

(2.0) 1.15 Severability

The provisions of these rules and regulations and the various applications thereof are declared to be severable and if any chapter, part, section, paragraph, subparagraph, subdivision, clause, or phrase of these rules and regulations shall be adjudged to be invalid or unconstitutional by any court of competent jurisdiction, the judgment shall not affect, impair or invalidate the remainder of these rules and regulations, but shall be confined in its operation to the chapter, part, section, paragraph, subparagraph, subdivision, clause, or phrase of these rules and regulations that shall be directly involved in the controversy in which such judgments shall have been rendered.

(8.0) CHAPTER 2

AIR POLLUTION EMERGENCY

(8.0) 2.1 Air Pollution Emergency

The Director is authorized and empowered to enforce or require enforcement of any provisions of this Chapter through the State of Alabama.

(8.0) 2.2 Episode Criteria

When the Director determines that conditions justify the proclamation of an air pollution episode stage, due to the accumulation of air contaminants in any place within the State, attaining levels which could, if sustained or exceeded, lead to a substantial threat to the health of persons, he shall be guided by the following criteria.

2.2.1 Episode stages shall be determined and declared upon the basis of average concentrations recorded at any monitoring station in the State.

2.2.2 If contamination and meteorology warrant, any advanced episode stage may be declared by the Director without first declaring a lesser degree of Alert or Watch. The Director shall, at his discretion, declare a lesser stage, the termination or the continuance of the advanced episode stage during such times when contamination and meteorological conditions moderate significantly after an advanced episode stage has been declared.

2.2.3 Episode Watch

The Director shall declare an Episode Watch when one or more of the following events take place.

(a) An Atmospheric Stagnation Advisory is issued by the National Weather Service, stating that atmospheric conditions marked by a slow moving high pressure system, light winds, and temperature inversions are expected to affect the State of Alabama or portions thereof for the next 36 hours.

(b) A forecast by local meteorologist that stagnant atmospheric conditions as described above could result in high air pollution levels in Alabama or portions thereof.

(c) Validated reports of abnormally high air pollution measurements, specifically, reaching or exceeding 50 percent of the Alert level of Section 2.2.4 for at least three consecutive hours at a given locality in the State.

2.2.4 Alert

The Director shall declare an Alert when any one of the following contaminant concentrations is measured at any monitoring site, and due to adverse meteorological conditions can be expected to remain at these levels or higher for the next 12 hours or more unless control measures are taken:

(a) Sulfur Dioxide - Measured by continuous coulometric or colorimetric analyzer, or equivalent.

24 hour average, 0.30 ppm (800 $\mu g/m^3$)

(b) Particulates - Measured by sequential tape sampler, two-hour accumulations (soiling index).

24-hour average, 3.0 COHS per 1000 linear feet

or measured by Hi Vol (high volume sampler), 24-hour accumulation.

24-hour average, 375 $\mu g/m^3$

(c) Sulfur Dioxide and Particulates Combined - Product of concurrent 24-hour average concentrations.

sulfur dioxide, ppm, times particulates, COHS, equals 0.2

sulfur dioxide, $\mu g/m^3$, times particulates, ug/m^3, equals 65,000

(d) Carbon Monoxide - Measured by continuous non-dispersive infrared analyzer, or equivalent.

8-hour average, 15 ppm (17 mg/m^3)

(e) Nitrogen Dioxide - Measured by continuous analyzer, or equivalent.

24-hour average, 0.15 ppm (282 $\mu g/m^3$)
or 1-hour average, 0.6 ppm (1130 $\mu g/m^3$)

(f) Photochemical Oxidants - Measured by continuous chemiluminescent analyzer or equivalent.

1-hour average, 0.1 ppm (200 $\mu g/m^3$)

2.2.5 Warning

A warning shall be declared by the Director when the concentrations of any of the following air contaminants measured at any monitoring site and due to adverse meteorological conditions can be expected to remain at these levels or higher for the next 12 hours or more unless control measures are taken:

(a) Sulfur Dioxide - Measured by continuous coulometric or colorimetric analyzer, or equivalent.

(b) Particulates - Measured by sequential tape sampler, two-hour accumulations (soiling index).

24-hour average, 5.0 COHS per 1000 linear feet

or measured by Hi Vol, 24-hour accumulation:

24 hour average, 625 $\mu g/m^3$

(c) Sulfur Dioxide and Particulates Combined - Product of concurrent 24-hour average concentration.

sulfur dioxide, ppm, times particulates, COHS, equals 0.8

or sulfur dioxide, $\mu g/m^3$, times particulates, $\mu g/m^3$, equals 261,000

(d) Carbon Monoxide - Measured by continuous non-dispersive infrared analyzer or equivalent.

8-hour average, 30 ppm (34 mg/m^3)

(e) Nitrogen Dioxide - Measured by continuous analyzer, or equivalent.

24-hour average, 0.30 ppm (565 $\mu g/m^3$)

1-hour average, 1.20 ppm (2260 $\mu g/m^3$)

(f) Photochemical Oxidants - Measured by continuous chemiluminescent analyzer, or equivalent.

1-hour average, 0.40 ppm (800 $\mu g/m^3$)

2.2.6 Emergency

When the following concentrations of air contaminants have been reached or due to meteorological conditions can be expected to reach or exceed these levels at any monitoring site in the State for a period of 12 hours or more unless control actions are taken, the Director shall declare an Emergency:

(a) Sulfur Dioxide - Measured by continuous coulometric or colorimetric analyzer, or equivalent.

24-hour average, 0.8 ppm (2100 $\mu g/m^3$)

(b) Particulates - Measured by sequential tape sampler, two-hour accumulations (soiling index).

24-hour average, 7.0 COHS per 1000 linear feet

or measured by Hi Vol, 24-hour accumulation

24-hour average 875 $\mu g/m^3$

(c) Sulfur Dioxide and Particulates Combined - Product of concurrent 24-hour average concentrations.

sulfur dioxide, ppm times particulates, COHS, equals 1.2

or sulfur dioxide, $\mu g/m^3$, times particulates $\mu g/m^3$, equals 393,000

(d) Carbon Monoxide - Measured by continuous non-dispersive infrared analyzer or equivalent.

8-hour average, 40 ppm (46 mg/m^3)

(e) Nitrogen Dioxide - Measured by continuous analyzer, or equivalent.

24-hour average, 0.40 ppm (750 $\mu g/m^3$)

1-hour average, 1.60 ppm (3000 $\mu g/m^3$)

(f) Photochemical Oxidants - Measured by continuous chemiluminescent analyzer, or equivalent.

1-hour average, 0.60 ppm (1200 $\mu g/m^3$)

2.2.7 Termination

(a) The status reached by application of the Episode Criteria of this part shall remain in effect until the criteria for that level is no longer met. At such time, the next lower status will be assumed and such changes declared by the Director. Specifically:

(1) When ambient contaminant concentrations fall below the critical levels for the stage, and a downward trend of concentrations is established; and

(2) When meteorological conditions that attended the high concentrations are no longer called for in official weather predictions.

(b) A public declaration will take on one of the following forms.

(1) Terminate "Emergency Status", resume "Warning Status" or "Alert Status"; whichever is appropriate.

(2) Terminate "Warning Status", resume "Alert Status" or appropriate stage.

(3) Terminate "Episode Status".

(c) Upon termination of an "Episode Status", the Division of Air Pollution Control will remain on internal "Episode Watch" until a return to normal operation is announced by the Division Director.

2.2.8 Status Declaration Authority

The Director, Division of Air Pollution Control, or his duly authorized agent, shall have the authority to make an announcement of internal Episode Watch, and public declarations of Alert, Warning and Emergency Status.

(8.0) 2.3 Special Episode Criteria

2.3.1 The Director shall have the authority to declare episodic conditions when the atmospheric concentration of a single contaminant or that of a specific locality within the State show elevated concentrations.

2.3.2 Specific Pollutant Situation

When concentrations of one or two contaminants reach or exceed the defined criteria levels, and concentration of other contaminants remain substantially below 50 percent of Alert levels, and meteorlogical conditions are such that these specific contaminant concentrations can be expected to remain at the above levels for 12 hours or more or increase unless control action is taken, a Specific Alert, Warning, or Emergency Status shall be declared by the Director, naming the contaminants that meet the respective criteria. In such instances when two such contaminants meet different criteria, the Director shall declare the status for the episode having the higher level, and that an Episode Watch is being maintained on the remaining contaminants.

2.3.3 Specific Locality Situation

The Director shall, when high concentrations of one or more contaminant measured at one monitoring site and not others and the effect is judged to originate from an identifiable source near the given site, shall declare the appropriate local Alert, Warning, or Emergency Status for the delineated area and that an Episode Watch is in effect for any remaining portion of the jurisdictional area while meteorological conditions favor the maintenance or increase of said high concentration for at least 12 hours or more unless control action is taken.

(8.0) 2.4 Emission Reduction Plans

Upon declaring an Episode Watch, Alert, Warning, or Emergency, the Director shall order persons responsible for the operation of a source of air contaminants causing or contributing to such episode to take the general measures outlined in the Emergency Episode Plan for the State of Alabama (dated November 1971, prepared by TRW, Inc.) or revision thereof, as he deems appropriate, in addition to all specific source curtailments designated by him.

(8.0) 2.5 Two Contaminant Episode

The Director shall declare an Alert, Warning, or Emergency Status specific for two contaminants when the ambient concentrations of two contaminants simultaneously reach or exceed their respective Episode Criteria of this Chapter and meteorological conditions are such that contaminant concentrations can be expected to remain at those criteria levels for 12 or more hours or increase unless control actions are taken. When criteria levels correspond to different episode status for two contaminants, the Director shall declare the status of the higher of the two.

(8.0) 2.6 General Episodes

The Director shall, in the event that ambient concentrations of three or more contaminants simultaneously reach or exceed their respective

Episode Criteria and no improvement in meteorological conditions is forecast for the next 12 hours, declare a General Alert, Warning, or Emergency Status. In the event the criteria levels correspond to different statuses for each contaminant, the Director shall declare a general status corresponding to the highest individual status.

(8.0) 2.7 Emission Reduction Plan for Local Episodes

2.7.1 The Director shall specify the area of the State affected when a Local Alert, Warning or Emergency Status is declared, or when an Accidental Episode for Common contaminants occurs, based upon air quality and meteorological reports and predictions.

2.7.2 When the Director declares such a local episode, any person responsible for the operation from which excess emissions results, shall shut down such an operation and make repairs or alter the process as required by the Director to restore normal operations.

2.7.3 When the Director declares that a Local Alert, Warning, or Emergency Status is in effect for a delineated area, corresponding General Measures shall be applied as detailed in Part 2.2, depending upon which contaminant(s) is/are being emitted in excess.

(8.0) 2.8 Emission Reduction Plans for Other Sources

2.8.1 Any person responsible for the operation of a source of air contaminants as determined by the Director shall prepare standby plans for reducing the emissions of air contaminants during periods of an Episode Alert, Warning, and Emergency. Standby plans shall be designed to reduce or eliminate emissions of air contaminants in accordance with the objectives set forth in Part 2.2.

2.8.2 Any person responsible for the operation of a source of air contaminants not designated by the Director shall when requested by the Director in writing, prepare standby plans for reducing the emission of air contaminants during periods of Episode Alert, Warning, and Emergency. Standby plans shall be designed to reduce or eliminate emissions of air contaminants in accordance with the objectives set forth in Part 2.2.

2.8.3 Standby plans as required under Section 2.8.1 shall be in writing and identify the sources of air contaminants, the amount of reduction of contaminants and a brief description of the manner in which reduction will be achieved during Episodes of Alert, Warning, and Emergency.

2.8.4 During Episodes of Alert, Warning, and Emergency Status, standby plans as required by this Chapter shall be made available on the premises to any person authorized to enforce the provisions of applicable rules and regulations.

2.8.5 Standby plans as required by these rules and regulations shall be submitted to the Director upon request within 30 days of the receipt of such request; such standby plans shall be subject to review and approval by the Director. If in the opinion of the Director, a standby plan does not effectively carry out the objectives as set forth in these rules and regulations, the Director may disapprove it, state the reason for disapproval and order the preparation of an amended standby plan within the time period specified in the order.

(8.0) 2.9 Other Authority Not Affected

The provisions of this Chapter shall in no way affect the power and authority of the Governor, Chairman, or Director as it pertains to Emergency Procedures as provided in Section 11 of the Act.

(51.9)
(51.13)

CHAPTER 3

CONTROL OF OPEN BURNING AND INCINERATION

(51.13) 3.1 Open Burning

No person shall ignite, cause to be ignited, permit to be ignited, or maintain any open fire except as follows:

3.1.1 Open fires for the cooking of food for human consumption on other than commercial premises;

3.1.2 Fires for recreational or ceremonial purposes;

3.1.3 Fires to abate a fire hazard, providing the hazard is so declared by the fire department or fire district having jurisdiction;

3.1.4 Fires for prevention or control of disease or pests;

3.1.5 Fires for training personnel in the methods of fighting fires;

3.1.6 Fires for the disposal of dangerous materials, where there is no practical alternate method of disposal, and burning is approved by the Director;

3.1.7 Fires set for recognized agricultural, silvicultural, range and wildlife management practices;

3.1.8 Fires set in salamanders or other devices used by construction or other workers for heating purposes;

3.1.9. Fires for the burning of trees, brush, grass and other vegetable matter in the clearing and maintenance of rights-of-way if such burning is done by the air-curtain incinerator method, properly constructed and maintained, or an equivalent method specifically approved by the Director;

3.1.10 Open fires specifically or expressly approved by the Director.

(51.9) 3.2 Incinerators

3.2.1 Incinerators shall be designed and operated in such manner as is necessary to prevent the emission of objectionable odors.

3.2.2 No person shall cause or permit to be emitted into the open air from any incinerator, particulate matter in the exhaust gases to exceed 0.20 pounds per 100 pounds of refuse charged.

3.2.3 Emission tests shall be conducted at maximum burning capacity of the incinerator.

3.2.4 The burning capacity of an incinerator shall be the manufacturer's or designer's guaranteed maximum rate or such other rate as may be determined by the Director in accordance with good engineering practices. In case of conflict, the determination made by the Director shall govern.

3.2.5 For the purposes of this Part, the total of the capacities of all furnaces within one system shall be considered as the incinerator capacity.

(51.9) 3.3 Wood Products and By-products Incineration

3.3.1 No person shall cause or permit to be emitted into the open air from any incinerator which incinerates wood products and by-products, particulate matter in the exhaust gases to exceed 0.40 pounds per 100 pounds of material charged.

3.3.2 Emission tests shall be conducted at maximum burning capacity of the incinerator.

3.3.3 The burning capacity of an incinerator shall be the manufacturer's or designer's guaranteed maximum rate or such other rate as may be determined by the Director in accordance with good engineering practices. In case of conflict, the determination made by the Director shall govern.

3.3.4 For the purposes of this Part, the total of the capacities of all furnaces within one system shall be considered as the incinerator capacity.

3.3.5 Each incinerator subject to this Part shall be properly designed, equipped, and maintained for its maximum rated burning capacity and shall be equipped with an underfire forced air system, an overfire air recirculation secondary combustion system, and variable control damper, all of which shall be electronically controlled to insure the optimum temperature range for the complete combustion of the amount and type of material waste being charged into the incinerator. Each such incinerator shall be equipped with a temperature recorder which shall be operated continuously with the incinerator and the temperature records shall be made available for inspection at the request of the Director.

(50.1)

CHAPTER 4

CONTROL OF PARTICULATE EMISSIONS

(50.1.2)4.1 Visible Emissions

4.1.1 Visible Emissions Restriction for Stationary Sources

(a) No person shall discharge into the atmosphere from any single source of emission whatsoever any air contaminant of a shade or density darker than that designated as No. 1 on the Ringelmann chart or 20 percent opacity.

(b) A person may discharge into the atmosphere from any single source of emission for a period or periods aggregating not more than three minutes in any 60 minutes air contaminants of a shade of density not darker than that designated as No. 3 on the Ringelmann chart or 60 percent opacity.

(c) The Director may approve exceptions to this Section for specific sources which hold permits under Part 1.12; provided however, such exceptions may be made for startup, shutdown, load change, and rate change or other short, intermittent periods of time upon terms approved by the Director and made a part of such permit.

(d) The provisions of this Section shall not apply to combustion sources in single-family and duplex dwellings where such sources are used for heating or other domestic purposes.

4.1.2 Visible Emissions Restrictions for Mobile Sources

(a) No person shall cause or permit the emission of visible air contaminants from gasoline-powered motor vehicles, operated upon any street, highway, or other public place, for longer than 5 consecutive seconds.

(b) No person shall cause or permit the emission of visible air contaminants from diesel-powered motor vehicles and other movable sources of a shade or density darker than that designated as No. 1 on the Ringelmann chart or 20 percent opacity for longer than 5 consecutive seconds.

4.1.3 Uncombined Water

Where the presence of uncombined water is the only reason for failure of an emission to meet the requirements of this Part, such sections shall not apply.

(50.1) 4.2 Fugitive Dust

4.2.1 No person shall cause, suffer, allow, or permit any materials to be handled, transported, or stored; or a building, its appurtenances, or a road to be used, constructed, altered, repaired or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions shall include, but not be limited to, the following:

(a) Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads or the clearing of land;

(b) Application of asphalt, oil, water, or suitable chemicals on dirt roads, materials stock piles, and other surfaces which create airborne dust problems;

(c) Installation and use of hoods, fans, and fabric filters (or other suitable control devices) to enclose and vent the handling of dusty materials. Adequate containment methods shall be employed during sandblasting or other similar operations.

4.2.2 Visible Emissions Restrictions Beyond Lot Line

No person shall cause or permit the discharge of visible fugitive dust emissions beyond the lot line of the property on which the emissions originate.

4.2.3 When dust, fumes, gases, mist, odorous matter, vapors, or any combination thereof escape from a building or equipment in such a manner and amount as to cause a nuisance or to violate any rule or regulation, the Director may order that the building or equipment in which processing, handling and storage are done be tightly closed and ventilated in such a way that all air and gases and air or gas-borne material leaving the building or equipment are treated by removal or destruction of air contaminants before discharge to the open air.

(51.5) 4.3 Fuel Burning Equipment

4.3.1 Class 1 Counties: No person shall cause or permit the emission of particulate matter from fuel-burning equipment in a Class 1 county in excess of the amount shown in Table 4-1 for the heat input allocated to such source. For sources in Class 1 counties, interpolation of the data in Table 4-1 for heat input values between 10 million BTU/hr and 250 million BTU/hr shall be accomplished by the use of the equation:

$$E = 1.38H^{-0.44}$$

where: E = Emissions in lb/million BTU

H = Heat Input in millions of BTU/hr

4.3.2 Class 2 Counties

No person shall cause or permit the emission of particulate matter from fuel-burning equipment in a Class 2 county in excess of the amount shown in Table 4-1 for the heat input allocated to such source. For sources in Class 2 counties, interpolation of the data in Table 4-1 for heat input values between 10 million BTU/hr and 250 million BTU/hr shall be accomplished by the use of the equation:

$$E = 3.109H^{-0.589}$$

where: E = Emissions in lb/million BTU

H = Heat Input in millions of BTU/hr

4.3.3 For purposes of this Part, the total heat input from all similar fuel combustion units which discharge particulate matter through a common stack at a plant or premises shall be used for determining the maximum allowable emission of particulate matter.

4.3.4 New fuel-burning sources emitting particulate matter shall be subject to the rules and regulations for Class 1 Counties, Section 4.3.1, regardless of their location

TABLE 4-1 ALLOWABLE PARTICULATE MATTER EMISSION BASED ON HEAT INPUT

Heat Input (millions of BTU/hr)	Allowable Emission (lb/million BTU) Class 1 County	Allowable Emission (lb/million BTU) Class 2 County
1.	.5	.8
10.	.5	.8
20.	.37	.53
40.	.27	.35
60.	.23	.28
80.	.20	.24
100.	.18	.21
150.	.15	.16
200.	.13	.14
250.	.12	.12
1,000,000.	.12	.12

(50.1.1) 4.4 Process Industries - General

4.4.1 Class 1 Counties

No person shall cause or permit the emission of particulate matter in any one hour from any source in a Class 1 county in excess of the amount shown in Table 4-2 for the process weight per hour allocated to such source. For sources in Class 1 counties, interpolation of the data in Table 4-2 for the process weight per hour values up to 60,000 lbs/hr shall be accomplished by use of the equation:

$$E = 17.31\ P^{0.16} \qquad P > 30 \text{ tons/hr}$$

where: E = Emissions in pounds per hour

P = Process weight per hour in tons per hour.

4.4.2 Class 2 Counties

No person shall cause or permit the emission of particulate matter in any one hour from any source in a Class 2 county in excess of the amount shown in Table 4-2 for the process weight per hour allocated to such source. For sources in Class 2 counties interpolation of the data in Table 4-2 for the process weight per hour values up to 60,000 lbs/hr shall be accomplished by use of the equation:

$$E = 4.10\ P^{0.67} \qquad P < 30 \text{ tons/hr}$$

and interpolation and exterpolation of the data for process weight per hour values equal to or in excess of 60,000 lbs/hr shall be accomplished by use of the equation:

$$E = 55.0\ P^{0.11} - 40 \qquad P > 30 \text{ tons/hr}$$

where: E = Emissions in pounds per hour

P = Process weight per hour in tons per hour

4.4.3 Where the nature of any process or operation or the design of any equipment is such as to permit more than one interpretation of this Part, the interpretation that results in the minimum value for allowable emission shall apply.

4.4.4 For purposes of this Part, the total process weight from all similar process units at a plant or premises shall be used for determining the maximum allowable emission of particulate matter that passes through a stack or stacks.

4.4.5 New sources subject to this Part emitting particulate matter shall be subject to the rules and regulations for Class 1 counties, Section 4.4.1, regardless of their location.

TABLE 4-2 ALLOWABLE PARTICULATE MATTER EMISSION BASED ON PROCESS WEIGHT RATE

Process Weight Rate (lb/hr)	Allowable Emission Rate (lb/hr)	
	Class 1 County	Class 2 County
100	0.56	0.55
500	1.52	1.62
1,000	2.34	2.57
5,000	6.33	7.57
10,000	9.76	12.05
20,000	14.97	19.18
60,000	29.83	39.96
80,000	31.23	42.53
120,000	33.33	46.30
160,000	34.90	49.06
200,000	36.17	51.28
1,000,000	46.79	68.96

(50.1.1) 4.5 Small Foundry Cupola

4.5.1 No person shall cause or permit the emission of particulate matter in any one hour from any small foundry cupola source in excess of the amount shown in Table 4-3 for the process weight per hour allocated to such source.

4.5.2 Where the nature of any process or operation or the design of any equipment is such as to permit more than one interpretation of this Part, the interpretation that results in the minimum value for allowable emission shall apply.

4.5.3 For purposes of this Part, the total process weight from all similar process units at a plant or premises shall be used for determining the maximum allowable emission of particulate matter that passes through a stack or stacks.

4.5.4 Foundry cupolas with a process weight rate greater than 50,000 pounds per hour shall be subject to the rules and regulations of Part 4.4.

TABLE 4-3 ALLOWABLE PARTICULATE MATTER EMISSION BASED ON PROCESS WEIGHT RATE FOR SMALL FOUNDRY CUPOLAS

Process Weight (lb/hr)	Allowable Emission Rate (lb/hr)
1,000	3.05
2,000	4.70
3,000	6.35
4,000	8.00
5,000	9.58
6,000	11.30
7,000	12.90
8,000	14.30
9,000	15.50
10,000	16.65
12,000	18.70
16,000	21.60
18,000	23.40
20,000	25.10
30,000	31.30
40,000	37.00
50,000	42.40

(51.1) 4.6 Cotton Gins

4.6.1 No person shall cause or permit the emission of particulate matter in any one hour from any cotton gin operation in excess of the amount shown in Table 4-4 for the process weight per hour allocated to such operation. Particulate matter emissions subject to this Part include process emissions and incinerator emissions if any; provided, however, that this shall in no way relieve or affect the application of Chapter 3 to open burning and incineration at cotton gin operations.

4.6.2 Where the nature of any process or operation or the design of any equipment is such as to permit more than one interpretation of this Part, the interpretation that results in the minimum value for allowable emission shall apply.

4.6.3 For purposes of this Part, the total process weight from all similar process units at a plant or premises shall be used for determining the maximum allowable emission of particulate matter that passes through a stack or stacks.

TABLE 4-4 ALLOWABLE PARTICULATE MATTER EMISSION BASED ON PROCESS WEIGHT RATE FOR COTTON GINS

Process Weight Rate (lb/hr)	Allowable Emission Rate (lb/hr)	Process Weight Rate (lb/hr)	Allowable Emission Rate (lb/hr)
1,000	1.6	9,000	13.7
1,500	2.4	10,000	15.2
2,000	3.1	12,000	18.2
2,500	3.0	14,000	21.2
3,000	4.7	16,000	24.2
3,500	5.4	18,000	27.2
4,000	6.2	20,000	30.1
5,000	7.7	30,000	44.9
6,000	9.2	40,000	59.7
7,000	10.7	50,000	64.0
8,000	12.2	60,000 or more	67.4

REGULATIONS FOR COKE OVEN BATTERIES

(51.2) 4.9 Coke Ovens

4.9.1 Applicability

The provisions of this Part shall apply to the production of coke in existing conventional slot-oven coke batteries with the exception of Section 4.9.10 which applied to new batteries.

4.9.2 Unloading and Transfer of Coal and Coke. Every person operating coke ovens shall apply all reasonable measures to prevent emissions from coal unloading, transfer, and coke transfer.

4.9.3 Charging

There shall be no visible emissions during the charging cycle from the charging holes or the larry car of any battery with an opacity which is greater than twenty percent (20%) (equivalent to Ringelmann No. 1) except for an average period or periods not to exceed three (3) minutes of any consecutive sixty (60) minutes on batteries with less than seventy (70) ovens nor more than four (4) minutes of any consecutive sixty (60) minutes on batteries with seventy (70) ovens or more.

4.9.5 Topside Emissions

(a) Any leak discovered on the topside of a battery shall be wet sealed or the oven shall not be recharged until the necessary repairs are made.

(b) At no time shall there be leaks in more than ten percent (10%) of the offtake piping and no more than five percent (5%) of the charging hole lids on any one battery.

4.9.6 Coke Oven Doors

(a) There shall be no visible emissions except non-smoking flame, from any opening on the coke oven doors from more than fifteen percent (15%) of the coke oven doors on any battery at any time.

(b) If a self-sealing door fails to seal during the coking cycle, it shall be adjusted, repaired, or replaced prior to a subsequent charge of oven.

(c) Luted doors which fail to seal after the oven is charged shall be reluted promptly.

(d) Every person operating coke ovens shall have a facility to maintain and repair coke oven doors, and shall maintain an inventory of one (1) coke oven door per twelve (12) ovens operated.

4.9.7 Oven Maintenance

(a) All ovens shall be maintained in good condition to promote complete coking of coal.

(b) All coke oven cracks are to be sealed as soon as practicable after they are detected.

(c) As directed by the Director, reasonable records of the maintenance of oven doors, oven burners, and oven interiors are to be made and retained for a reasonable time.

4.9.8 Combustion Stacks

There shall be no visible emissions, other than water mist or vapor, of a shade or density darker than that designated as No. 1 on the Ringelmann chart or 20% opacity from any stack except for a period or periods aggregating not more than three minutes in any consecutive 60 minutes.

4.9.9 Quenching

(a) No person shall operate a coke oven plant without baffles installed and properly operating in the quench towers.

(b) Water introduced to the quenching station must be of a quality approved by the Director.

4.9.10 Notwithstanding the specific limits set forth in this Part, in order to maintain the lowest possible emission of air contaminants, the highest and best practicable treatment and control for particulate matter currently available shall be provided for any new coke producing facilities.

(51.17) 4.10 Primary Aluminum Plants

4.10.1 Applicability

This part applies to existing primary aluminum plants which will or do operate for the purpose of or related to producing aluminum metal from aluminum oxide (alumina).

4.10.2 Emission Limits

The emission of particulate matter to the atmosphere from the baking of carbon anodes and from the reduction process, potlines of any primary aluminum reduction plant shall not exceed 22 pounds per ton of aluminum produced on a daily basis.

4.10.3 Compliance

Each primary aluminum plant shall be in compliance with the provisions of this part at the earliest possible date but not later than May 31, 1975. Nothing in this part shall negate the requirement for obtaining permits or submitting compliance schedules are required by these rules and regulations.

(51.3) 4.11 Cement Plants

4.11.1 Applicability

This part applies to existing cement plants that have a process weight that is greater than 88.7 tons per hour; this part also applies to new cement plants and specifically exempts new cement plants from Section 4.4.5.

4.11.2 Emission Limits

(a) No owner or operator shall cause, permit, or allow the emissions of particulate matter from the kiln which is in excess of 0.30 lbs. per ton of feed to the kiln, maximum two-hour average.

(b) No owner or operator shall cause, permit, or allow the emissions of particulate matter from the clinker cooler which is in excess of 0.10 lbs. per ton of feed to the kiln, maximum two-hour average.

(50.2)

CHAPTER 5

CONTROL OF SULFUR COMPOUND EMISSIONS

(51.6) 5.1 Fuel Combustion

5.1.1

(a) Priority Classification I Regions and Jefferson County. No person shall cause or permit the operation of a fuel burning installation in a Sulfur Dioxide Priority Classification I Air Quality Control Region or in Jefferson County in such a manner that sulfur oxides, measured as sulfur dioxide, are emitted in excess of 1.8 pounds per million BTU heat input. (The old standard of 1.2 pounds per million BTU heat input remains in effect for the Widows Creek Power Plant in Jackson County.)

(b) Priority Classification II and III Regions - No person shall cause or permit the operation of a fuel burning installation in a Sulfur Dioxide Priority Classification II or III Air Quality Control Region in such a manner that sulfur oxides, measured as sulfur dioxide, are emitted in excess of 4.0 pounds per million BTU heat input.

5.1.2 Air Quality Demonstration

In addition to the requirements of Section 5.1.1, every owner or operator of a fuel burning installation having a total rated capacity greater than 1500 million BTU per hour shall:

(a) Demonstrate, to the satisfaction of the Director, that the sulfur oxides emitted, either alone or in contribution to other sources, will not interfere with attainment and maintenance of any primary or secondary ambient air quality standard prescribed at Part 1.6.

(b) Demonstrate, to the satisfaction of the Director, that in meeting the emission limitations of Section 5.1.1, the installation will not increase emissions to the extent that resulting air quality concentrations will be greater than:

(1) those concentrations (either measured or calculated) which existed in 1970; or

(2) those concentrations (either measured or calculated) which existed during the first year of operation of any installation which began operating after January 1, 1970.

(c) Upon the direction of the Director, install and maintain air quality sensors to monitor attainment and maintenance of ambient air quality standards in the areas influenced by the emissions from such installation. Results of such monitoring shall be provided to the Director in a manner and form as he shall direct.

5.1.3 For purposes of this Part, the total heat input from all similar fuel combustion units at a plant, premises, or installation shall be used for determining the maximum allowable emission of sulfur dioxide that passes through a stack or stacks.

5.1.4 All calculations performed pursuant to demonstrations required by Section 5.1.2, shall assume that the fuel burning installation is operating at or above the maximum capacity which such installation is capable of being operated.

PRIORITY I

Mobile
Baldwin
Escambia
Lauderdale
Limestone
Madison
Jackson
Colbert
Lawrence
Morgan
Marshall
DeKalb
Franklin
Marion
Cullman

PRIORITY II

Lamar
Pickens
Sumter
Fayette
Tuscaloosa
Hale
Walker
Bibb
Blount
Jefferson
St. Clair
Shelby
Chilton
Greene

PRIORITY III

Cherokee
Etowah
Calhoun
Cleburne
Talladega
Clay
Randolph
Coosa
Tallapoosa
Chambers
Elmore
Lee

Autauga
Perry
Dallas
Marengo
Choctaw
Wilcox
Clarke
Washington
Monroe
Conecuh
Lowndes
Montgomery

Macon
Russell
Bullock
Butler
Crenshaw
Pike
Barbour
Covington
Coffee
Dale
Henry
Geneva
Houston

(51.18) 5.2 Sulfuric Acid Plants

5.2.1 Applicability

This section applies to existing sulfuric acid plants operating as of January 18, 1972.

(a) No person shall cause or permit sulfur dioxide tail gas emissions from sulfuric acid manufacturing plants to exceed 27 lbs. per ton of 100 percent sulfuric acid produced; provided however, that no sulfuric acid manufacturing plant emitting less than 27 lbs. per ton of 100 percent sulfuric acid produced shall be allowed to increase its emission rate.

(b) No person shall cause or permit tail gas acid mist emissions to exceed 0.5 lbs. per ton of sulfuric acid produced, and the sulfur trioxide emissions are not to exceed 0.2 lbs. per ton of sulfuric acid produced.

5.2.2 Applicability

This section applies to all sulfuric acid plants not included in Section 5.2.1.

(a) No person shall cause or permit the discharge into the atmosphere of sulfur dioxide in excess of 4 lbs. per ton of sulfuric acid produced, maximum two-hour average.

(b) No person shall cause or permit the discharge into the atmosphere of acid mist which is in excess of 0.15 lbs. per ton of acid produced maximum two-hour average, expressed as H_2SO_4.

5.2.3 There shall be installed, calibrated, maintained, and operated in any sulfuric acid production unit subject to the provisions of this Part, an instrument for continuously monitoring and recording emissions of sulfur dioxide.

5.2.4 Any instrument and sampling system installed and used pursuant to this Part shall be subject to the approval of the Director.

(51.15) 5.3 Petroleum Production

5.3.1 Applicability

This regulation applies to facilities that handle natural gas or refinery gas that contains more than 0.10 grains of hydrogen sulfide per standard cubic foot (SCF).

5.3.2 No person shall cause or permit the emission of a process gas stream containing more than 0.10 grains of hydrogen sulfide per SCF into the atmosphere unless it is properly burned to maintain the ground level concentrations of hydrogen sulfide to less than 20 parts per billion beyond plant property limits, averaged over a 30-minute period.

5.3.3 No person shall cause or permit the sulfur oxide emission from any facility designed to dispose of or process natural gas or refinery gas containing more than 0.10 grains hydrogen sulfide per standard cubic foot to exceed the following:

CATEGORY I COUNTIES

Available Sulfur (Long Tons/Day)	Permitted Emissions of Sulfur Dioxide
Up to 5	No Limit
5 to 35	373 lbs/hour
35 to 75	0.10 lbs. SO_2/lb. S processed
Over 75	0.08 lbs. SO_2/lb. S processed

CATEGORY II COUNTIES

Available Sulfur (Long Tons/Day)	Permitted Emissions of Sulfur Dioxide
Up to 10	No Limit
10 to 50	560 lbs/hour
50 to 100	0.10 lbs. SO_2/lb. S processed
Over 100	0.08 lbs. SO_2/lb. S processed

The allowable emissions of sulfur dioxide are increased as follows to allow for dry acid gas streams containing less than 60 percent hydrogen sulfide:

Mol Percent of Hydrogen Sulfide in Dry Acid Gas	Additional SO_2 Emissions Allowed
50% but less than 60%	.02 lbs. SO_2/lb. S processed
40% but less than 50%	.04 lbs. SO_2/lb. S processed
30% but less than 40%	.06 lbs. SO_2/lb. S processed
20% but less than 30%	.10 lbs. SO_2/lb. S processed
Less than 20%	

5.3.4(a) For purposes of this Part, the following counties are classified as Category I Counties: Jackson, Jefferson, and Mobile.

5.3.4(b) For purposes of this Part, those counties not listed in paragraph 5.3.4(a) are classified as Category II Counties.

5.3.5 Compliance with this Part shall be determined by both material balances and stack sampling. New plants are required either to install monitors to continuously determine the sulfur oxide emissions in terms of mass per unit of time or to determine the sulfur oxide emissions by other means approved by the Director.

5.3.6 In calculating the ground level concentration that results from short-term waste gas or emergency flaring, it shall be assumed that only 75 percent of the heat of combustion is used to heat the products of combustion.

5.3.7 Air Quality Demonstration

In addition to the requirements of Section 5.3.3, every owner or operator of a facility covered by Rule 5.3 shall demonstrate, to the satisfaction of the Director, that the sulfur oxides emitted, either alone or in conjunction with other sources, will not interfere with attainment and maintenance of any primary or secondary ambient air quality standard.

5.3.8 To insure that ambient air quality standards are met, an annual review of Sulfur Dioxide Category I and II Counties will be made by the staff. Initial Sulfur Dioxide Category Classifications and any subsequent changes to Sulfur Dioxide Category Classifications will be the subject of a public hearing.

(51.21) 5.5 Process Industries - General

5.5.1 Applicability

This part applies to facilities not regulated by Parts 5.1, 5.2, 5.3, and 5.4.

5.5.2 No person shall construct and operate a new or modified sulfur compound emission source that does not meet any and all applicable New Source Performance Standards and utilize the best available control technology, with consideration to the technical practicability and economic reasonableness of reducing or eliminating the emissions from the facility.

5.5.3 No person shall construct and operate a new or modified emission source that will cause or contribute to a condition such that either the primary or the secondary sulfur dioxide ambient air quality standards are exceeded in the area.

(50.4)

CHAPTER 6

CONTROL OF HYDROCARBON EMISSIONS

(51.16) 6.1 Storage of Volatile Organic Materials

6.1.1 No person shall place, store, or hold in any stationary tank reservoir or other container of more than 60,000 gallons capacity any volatile organic compounds unless such tank, reservoir, or other container is a pressure tank capable of maintaining working pressures sufficient at all times to prevent vapor or gas loss to the atmosphere or is designed, and equipped with one of the following vapor loss control devices:

(a) A floating roof, consisting of a pontoon type, double deck type roof or internal floating cover, which will rest on the surface of the liquid contents and be equipped with a closure seal or seals to close the space between the roof edge and tank wall. This control equipment shall not be permitted if the volatile organic compounds have a vapor pressure of 11.0 pounds per square inch absolute (568 mm.Hg) or greater under actual storage conditions. All tank gauging or sampling devices shall be gas-tight except when tank gauging or sampling is taking place.

(b) A vapor recovery system, consisting of a vapor gathering system capable of collecting the volatile organic compound vapors and gases so as to prevent their emission to the atmosphere and with all tank gauging and sampling devices gas-tight except when gauging or sampling is taking place.

(c) Other equipment or means of equal efficiency for purposes of air pollution control as may be approved by the Director.

(d) No person shall place, store, or hold in any new stationary storage vessel more than 1,000-gallon capacity any volatile organic compound unless such vessel is equipped with a permanent submerged fill pipe or is a pressure tank as described in paragraph (a) above, or is fitted with a system as described in paragraph (b) above. Existing stationary storage vessels shall employ portable submerged fill pipes or be equipped with permanent submerged fill pipes.

6.1.2 This Part shall not apply to crude petroleum produced, separated, treated or stored in the field.

(51.16) 6.2 Volatile Organic Materials Loading Facilities

6.2.1 No person shall load any volatile organic compounds into any tank, truck or trailer from any terminal or bulk storage facility handling more than 50,000 gallons per day unless such terminal or facility is equipped with a vapor collection and disposal system, or its equivalent, properly installed, in good working order; and in operation a loading system which will result in a 95 percent submerged fill either with a submerged fill pipe or by loading from the bottom.

6.2.2 No person shall load any volatile organic compounds into any tank, truck, or trailer having a capacity in excess of 200 gallons, unless such loading facility is equipped as set forth in Paragraph 6.2.1. Where the vapor collection and disposal system is utilized, the loading arm shall be equipped with a vapor collection adaptor, pneumatic, hydraulic, or other mechanical means which will provide a vapor-tight seal between the adaptor and the hatch. A means shall be provided to prevent liquid organic compounds drainage from the loading device when it is removed from the hatch of any tank, truck or trailer. When loading is effected through means other than the hatches, all loading lines shall be equipped with fittings which make vapor-tight connections and which close automatically when disconnected.

6.2.3 This Part shall not apply to crude petroleum produced, separated, treated or stored in the field.

(51.16) 6.3 Volatile Organic Compound Water Separation

6.3.1 No person shall use any compartment of any single or multiple compartment volatile organic compound water separation which receives effluent water containing 1,000 gallons a day or more of any volatile organic compound from processing, refining, treating, storing, or handling volatile organic compounds unless such compartment is equipped with one of the following vapor loss control devices, properly installed, in good working order, and in operation.

(a) A container having all openings sealed and totally enclosing the liquid contents. All gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.

(b) A container equipped with a floating roof, consisting of a pontoon type, double deck type roof, or internal floating cover, which will rest on the surface of the contents and be equipped with a closure seal or seals to close the space between the roof edge and container wall. All gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.

(c) A container equipped with a vapor recovery system consisting of a vapor gathering system capable of collecting the hydrocarbon vapors and gases discharged and a vapor disposal system capable of processing such hydrocarbon vapors and gases so as to prevent their emission to the atmosphere and with all container gauging and sampling devices gas-tight except when gauging or sampling is taking place.

(d) A container having other equipment of equal efficiency for purposes of air pollution control as may be approved by the Director.

(51.16) 6.4 Pumps and Compressors

All pumps and compressors handling volatile organic compounds shall have mechanical seals or other equipment of equal efficiency for purposes of air pollution control as may be approved by the Director.

(51.21) 6.5 Waste Gas Disposal

No person shall emit a waste gas stream from any ethylene producing plant into the atmosphere unless the waste gas stream is properly burned at 1,300°F for .03 seconds or greater in a direct-flame afterburner equipped with an indicating pyrometer which is positioned in the working area at the operator's eye level or an equally effective catalytic vapor incinerator also with pyrometer.

(50.4) 6.6 Organic Solvents

6.6.1 A person shall not discharge into the atmosphere more than 15 pounds of organic materials in any one day, nor more than 3 pounds in any one hour, from any article, machine, equipment or other contrivance in which any organic solvent or any material containing organic solvent comes into contact with flame or is baked, heat-cured or heat-polymerized, in the presence of oxygen, unless said discharge has been reduced by at least 85 percent. Those portions of any series of articles, machines, equipment or other contrivances designed for processing a continuous web, strip or wire which emit organic materials and using operations described in this section shall be collectively subject to compliance with this section.

6.6.2 A person shall not discharge into the atmosphere more than 40 pounds of organic materials in any one day, nor more than 8 pounds in any one hour, from any article, machine, equipment or other contrivance used under conditions other than described in Section 6.6.1 for employing, or applying, any photochemically reactive solvent, as defined in Section 6.6.9, or material containing such photochemically reactive solvent, unless said discharge has been reduced by at least 85 percent. Emissions of organic materials into the atmosphere resulting from air or heated drying of products for the first 12 hours after their removal from any article, machine, equipment, or other contrivance described in this section shall be included in determining compliance with this section. Emissions resulting from baking, heat-curing, or heat-polymerizing as described in Section 6.6.1 shall be excluded from determination of compliance with this section. Those portions of any series of articles, machines, equipment or other contrivances designed for processing a continuous web, strip or wire which emit organic materials and using operations described in this section shall be collectively subject to compliance with this section.

6.6.3 Emissions of organic materials to the atmosphere from the cleanup with photochemically reactive solvents, as defined in Section 6.6.2 of any article, machine, equipment, or other contrivance described in Sections 6.6.1 or 6.6.2, shall be included with the other emissions of organic materials from that article, machines, equipment, or other contrivance for determining compliance with this rule.

6.6.4 Emissions of organic materials into the atmosphere required to be controlled by Sections 6.6.1 and 6.6.2, shall be reduced by:

(a) Incineration, provided that 90 percent or more of the carbon in the organic material being incinerated is oxidized to carbon dioxide, or

(b) Adsorption, or

(c) Processing in a manner determined by the Director to be not less effective than paragraphs (a) or (b) above.

6.6.5 A person incinerating, adsorbing, or otherwise processing organic materials pursuant to this Part shall provide, properly install, and maintain in calibration, in good working order and in operation, devices as specified in the permit to construct or the permit to operate, or as specified by the Director, for indicating temperatures, pressures, rates of flow, or other operating conditions necessary to determine the degree and effectiveness of air pollution control.

6.6.6 Any person using organic solvents or any materials containing organic solvents shall supply the Director, upon request and in the manner and form prescribed by him, written evidence of the chemical composition, physical properties, and amount consumed for each organic solvent used.

6.6.7 The provisions of this Part shall not apply to:

(a) The manufacture of organic solvents, or the transport or storage of organic solvents or materials containing organic solvents.

(b) Paint spray booth installations.

(c) The employment, application, evaporation or drying of saturated halogenated hydrocarbons or organic compounds in which all olefinic groups contain 3 or more hydrogen atoms

(d) The use of any material in any article, machine or equipment described in Section 6.6.1, 6.6.2, or 6.6.3, if:

  (1) The volatile content of such material consists only of water and organic solvents, and

  (2) The organic solvents comprise not more than 20 percent of said volatile content, and

  (3) The volatile content is not photochemically reactive as defined in Section 6.6.9.

(e) Coatings applied to permanently located structures or surfaces.

6.6.8 For the purposes of this Part, organic solvents include diluents and thinners and are defined as organic materials which are liquids at standard conditions and which are used as dissolvers, viscosity reducers, or cleaning agents.

6.6.9 For the purposes of this Part, a photochemically reactive solvent is any solvent with an aggregate of more than 20 percent of its total volume composed of the chemical compounds classified below or which exceeds any of the following individual percentage composition limitations, referred to the total volume of solvent:

(a) A combination of hydrocarbons, alcohols, adehydes, esters, ethers, or ketones having an olefinic or cyclo-olefinic type of unsaturation: 5 percent;

(b) A combination of aromatic compounds with eight or more carbon atoms to the molecule except ethylbenzene: 8 percent;

(c) A combination of ethylebenzene, ketones having branched hydrocarbon structures, or toluene: 20 percent.

Whenever any organic solvent or any constitutent of an organic solvent may be classified from its chemical structure into more than one of the above groups of organic compounds, it shall be considered as a member of the most reactive chemical group, that is, that group having the least allowable percent of the total volume of solvents.

6.6.10 For the purposes of this Part, organic materials are defined as chemical compounds of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, etallic carbides, metallic carbonates, and ammonium carbonate.

(51.21) 6.7 Disposal and Evaporation of Solvents

A person shall not, during any one day, dispose of a total of more than 1.5 gallons of any photochemically reactive solvent, as defined in Section 6.6.9, or of any material containing more than 1.5 gallons of any such photochemically reactive solvent by any means which will permit the evaporation of such solvent into the atmosphere.

(2.0) 6.8 Application of Chapter

The provisions of Parts 6.4, 6.5, 6.6, and 6.7 shall only apply to Mobile County.

(50.5)

CHAPTER 7

CONTROL OF CARBON MONOXIDE EMISSIONS

7.1 No person shall emit the carbon monoxide gases generated during the operation of a grey iron cupola, blast furnace, or basic oxygen steel furnace unless they are burned at 1,300°F for 0.3 seconds or greater in a direct flame afterburner or equivalent device equipped with an indicating pyrometer which is positioned in the working area at the operator's eye level.

7.2 No person shall emit carbon monoxide waste gas stream from any catalyst regeneration of a petroleum cracking system, petroleum fluid coker, or other petroleum process into the atmosphere, unless the waste stream is burned at 1,300°F for 0.3 seconds or greater in a direct-flame afterburner or boiler equipped with an indicating pyrometer which is positioned in the working area at the operator's eye level.

(50.3)

CHAPTER 8

CONTROL OF NITROGEN OXIDES EMISSIONS

(51.7) 8.1 New Combustion Sources

8.1.1 No person shall cause or permit emissions of nitrogen oxides from a new gas-fired boiler with a capacity of 250 million BTU/hr or more in excess of 0.20 pounds per million BTU of heat input per hour.

8.1.2 No person shall cause or permit emissions of nitrogen oxides from a new oil-fired boiler with a capacity of 250 million BTU/hr or more in excess of 0.30 pounds per million BTU of heat input per hour.

8.1.3 No person shall cause or permit emission of nitrogen oxides from a new coal-fired boiler with a capacity of 250 million BTU per hour or more in excess of 0.7 pounds per million BTU of heat input per hour.

8.1.4 For purposes of this Part, the total heat input from all similar fuel combustion units at a plant or premises shall be used for determining the maximum allowable emission of nitrogen oxides that passes through a stack or stacks.

(51.10) 8.2 Nitric Acid Manufacturing

No person shall cause or permit the emission of nitrogen oxides calculated as nitrogen dioxide, from nitric acid manufacturing plants in excess of 5.5 pounds per ton of 100 percent acid produced.

CLASS I COUNTIES

COUNTY	Justification		% Urban Population (1)	Ambient Air Quality (2)
	Urban Population Exceeded 50%	Secondary Nation Ambient Air Quality Standard is Exceeded		
Autauge	x		53.6	*
Calhoun	x	x	64.1	94
Coffee	x		58.0	*
Colbert	x	x	58.1	130
Covington	x		56.6	46
Cullman		x		87
Dale	x		62.3	*
Etowah	x	x	72.1	142
Houston	x	x	64.9	76
Jackson		x		127
Jefferson	x	x	68.4	170
Lauderdale	x	x	50.0	114
Lee	x		68.2	*
Madison	x	x	78.6	60
Mobile	x	x	82.1	110
Montgomery	x	x	82.8	124
Morgan	x	x	58.7	74
Pike	x	x	56.7	67
Russell	x	x	55.7	70
St. Clair		x		74
Shelby		x		82
Talladega	x	x	53.2	115
Tuscaloosa	x	x	74.0	94
Walker		x		103

(1) % Urban Population As Defined By The U.S. Department of Commerce Census Bureau for 1970.

(2) Air Quality Measured As Micrograms of Suspended Particulates Per Cubic Meter of Ambient Air (ug/m^3) in 1971. (National Ambient Air Quality Secondary standard for particulate is 60 ug/m^3 annual geometric mean)

* No Data

** Three hour maximum values for sulfur dioxide are 0.993 ppm for Jefferson County and 1.10 ppm for Mobile County (National Ambient Air Quality Secondary standard for sulfur oxides is 0.5 ppm as a maximum three-hour concentration not to be exceed more than once a year).

(10.0)

CHAPTER 10

CONTROL OF COMPLEX SOURCES

(3.0) ### 10.1 Permit Required

10.1.1 Permit to Construct

Any person building, erecting, altering or replacing any complex source of the sizes specified in Section 10.1.2 shall first obtain authorization from the Director in the form of a Permit to Construct.

10.1.2 Sizes of Sources Required to Obtain Permit

(a) For parking facilities located in counties with a population of greater than 200,000:

  (1) New parking facilities with a capacity of greater than 1000 spaces.

  (2) Modifications to existing parking facilities that will increase capacity by 500 spaces or more.

(b) For parking facilities located in counties with a population of less than 200,000:

  (1) New parking facilities with a capacity of greater than 2000 spaces.

  (2) Modifications to existing parking facilities that will increase capacity by 1000 spaces or more.

(c) For other sources regardless of location:

  (1) Any new roadway or modification to an existing roadway whose projected traffic volume within 10 years of completion will be greater than 2000 vehicles per hour.

  (2) Any new airport that would be expected to have greater than 50,000 scheduled commercial landings per year and any modifications to an existing airport that would be expected to cause an increase of 50,000 scheduled commercial landings per year.

10.1.3 Applications

Every application for a Permit to Construct required under this Chapter shall be filed in the manner and form prescribed by the Director and shall give all the information necessary to enable the Director to make the determination required by Section 10.1.4. This information shall include but not be limited to:

(a) estimates of the nature and amount of emissions to be emitted by associated mobile sources.

(b) the location, design, construction, operation and accessability of such a facility.

10.1.4 Standards for Granting Applications

The Director shall deny a Permit to Construct where he determines that the construction and operation of such source will interfere with attaining or maintaining any primary or secondary standard established by Section 1.6.1.

10.2 The issuance of a Permit to Construct shall not affect the responsibility of the owner or operator to comply with applicable portions of the control strategy.

(10.0)

CHAPTER 12

STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

(2.0)

12.1 General

12.1.1 The Environmental Protection Agency Regulations on Standards of Performance for New Stationary Sources (40 CFR, Part 60) designated in Part 12.2 are incorporated by reference as they exist on the date of adoption and promulgation by the Commission into these regulations as amended by the word or phrase substitutions given in Part 12.3. References for specific documents containing the complete text of subject regulations are given in Appendix C.

12.1.2 In the event of any conflict between the regulations contained in this chapter and regulations contained in other chapters, the regulations of Chapter 12 will take precedence for standards of performance for new stationary sources unless the existing regulations are more stringent.

12.1.3 Definitions

For purposes of this chapter, the definitions listed in Section 60.2 Subpart A, Part 60, Title 40 of the Code of Federal Regulations will apply.

(10.0)

12.2 Designated Standards of Performance

12.2.1 Subpart D - Fossil Fuel-Fired Steam Generators (units of more than 63 million kcal per hour heat input).

12.2.2 Subpart E - Incinerators (units of more than 50 tons per day charging rate).

12.2.3 Subpart F - Portland Cement Plants (kiln, clinker cooler, raw mill system, finish mill system, raw mill dryer, raw material storage, clinker storage, finish product storage, conveyor transfer points, bagging and bulk loading and unloading systems).

12.2.4 Subpart G - Nitric Acid Plants (nitric acid production units).

12.2.5 Subpart H - Sulfuric Acid Plants (sulfuric acid production units).

12.2.6 Subpart I - Asphalt Concrete Plants (dryers, systems for screening, handling, storing, and weighing hot aggregate; systems for loading, transferring, and storing mineral filler; systems for mixing asphalt concrete; and the loading, transfer and storage systems associated with emission control systems).

12.2.7 Subpart J - Petroleum Refineries (fluid catalytic cracking unit catalyst regenerators, fluid catalytic cracking unit incinerator-waste heat boilers and fuel gas combustion devices).

12.2.8 Subpart K - Storage Vessels for Petroleum Liquids (storage vessels with a capacity greater than 40,000 gallons).

12.2.9 Subpart L - Secondary Lead Smelters (pot furnaces of more than 550 pounds charging capacity, blast (cupola) furnaces and reverberatory furnaces).

12.2.10 Subpart M - Secondary Brass and Bronze Ingot Production Plants (reverberatory and electric furnaces of 2,205 pounds or greater production capacity and blast (cupola) furnaces of 550 pounds per hour or greater production capacity).

12.2.11 Subpart N - Iron and Steel Plants (basic oxygen process furnace).

12.2.12 Subpart O - Sewage Treatment Plants (incinerators which burn the sludge produced by municipal sewage treatment facilities).

12.2.13 Subpart P - Primary Copper Smelters (dryer, roaster, smelting furnace, and copper converter).

12.2.14 Subpart Q - Primary Zinc Smelters (roaster and sintering machine).

12.2.15 Subpart R - Primary Lead Smelters (sintering machine, sintering machine discharge end, blast furnace, dross reverberatory furnace, electric smelting furnace, and converter).

12.2.16 Subpart S - Primary Aluminum Reduction Plants (potroom groups and anode bake plants).

12.2.17 Subpart T - Wet Process Phosphoric Acid Plants (any combination of reactors, filters, evaporators, and hotwells).

12.2.18 Subpart U - Superphosphoric Acid Plants (any combination of evaporators, hotwells, acid sumps, and cooling tanks).

12.2.19 Subpart V - Diammonium Phosphate Plants (any combination of reactors, granulators, dryers, coolers, screens and mills).

12.2.20 Subpart W - Triple Superphosphate Plants - (any combination of mixers, curing belts (dens), reactors, granulators, dryers, cookers, screens, mills, and facilities which store run-of-pile triple superphosphate).

12.2.21 Subpart X - Granular Triple Superphosphate Storage Facilities -

(any combination of storage or curing piles, conveyors, elevators, screens, and mills).

12.2.22 Subpart Y - Coal Preparation Plants (units which process more than 200 tons per day: thermal dryers, pneumatic coal-cleaning equipment (air tables), coal processing and conveying equipment (including breakers and crushers), coal storage systems, and coal transfer and loading systems).

12.2.23 Reserved

12.2.24 Subpart AA - Steel Plants (Electric arc furnaces and dust-handling equipment).

(2.0) 12.3 Word or Phrase Substitutions

In all the standards designated in Part 12.2 substitute:

12.3.1 Director for Administrator

12.3.2 Commission for U. S. Environmental Protection Agency (except in references).

(9.0)

CHAPTER 14

CONTINUOUS MONITORING
REQUIREMENTS FOR EXISTING SOURCES

(1.0) 14.1 Definitions

14.1.1 For the purposes of this Chapter, the following terms will have the meanings ascribed in this part:

(a) "Emission standard" means a regulation (or portion thereof) setting forth an allowable rate of emissions, level of opacity, or prescribing equipment or fuel specifications that result in control of air pollution emissions.

(b) "Capacity factor" means the ratio of the average load on a machine or equipment for the period of time considered to be the capacity rating of the machine or equipment.

(c) "Excess emissions" means emissions of an air pollutant in excess of an emission standard.

(d) "Sulfuric acid plant" means any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, or acid sludge, but does not include facilities where conversion to sulfuric acid is utilized primarily as a means of preventing emissions to the atmosphere of sulfur dioxide or other sulfur compounds.

(e) "Fossil fuel-fired steam generator" means a furnace or boiler used in the process of burning fossil fuel for the primary purpose of producing steam by heat transfer.

(9.0)
(13.0) 14.2 Emission Monitoring and Reporting Requirements

14.2.1 Sources in the following categories which initiated construction prior to August 17, 1971, are subject to the requirements of this Chapter:

(a) Fossil fuel-fired steam generators

(b) Sulfuric acid plants

Sources in these categories which are constructed after August 17, 1971, are subject to the emission monitoring requirements of Chapter 12. This Chapter is intended to supplement existing regulations, and no part thereof shall be construed to interfere with the enforcement of other provisions of the Alabama Air Pollution Control Rules and Regulations.

14.2.2 The Director shall require the owner or operator of an emission source listed in Section 14.2.1 to install, calibrate, operate, and maintain all monitoring equipment necessary for continuously monitoring the pollutants specified in Sections 14.2.3 and 14.2.4. The specific source categories listed in Section 14.2.1 must complete the installation and performance testing of monitoring equipment and begin monitoring and recording within eighteen months from the date of the Environmental Protection Agency's approval of these regulations. Within 6 months of such approval, all affected sources must present a detailed plan for complying with the requirements of this Chapter to the Director. The Director shall condition written approval of such plan upon the requirement that the plan will meet the minimum reporting requirements set forth in Divisions 4 and 5 of Appendix P of 40 CFR 51. More stringent reporting procedures may be required in the Director's discretion.

14.2.3 Fossil fuel-fired steam generators, as defined in this Chapter, with an annual average capacity factor of greater than thirty percent, as reported to the Federal Power Commission for calendar year 1974, or as otherwise demonstrated to the Director by the owner or operator, shall conform with the following monitoring requirements when such facility is subject to an emission standard for the pollutant in question:

(a) A continuous monitoring system for the measurement of opacity shall be installed, calibrated, maintained, and operated by the owner or operator of any such steam generator of greater than 250 million BTU per hour heat input except where:

  (1) gaseous fuel is the only fuel burned, or

  (2) oil or a mixture of gas and oil are the only fuels burned and the source is able to comply with the applicable particulate matter collection equipment, and where the source has never been found, through any administrative or judicial proceedings, to be in violation of any visible emission standard of the applicable plan.

(b) A continuous monitoring system for the measurement of sulfur dioxide shall be installed, calibrated, maintained, and operated on any fossil fuel-fired steam generator of greater than 250 million BTU per hour heat input which has installed equipment designed for the desulfurization of flue gas.

(c) A continuous monitoring system for the measurement of the percent oxygen or carbon dioxide in stack gases shall be installed, calibrated, operated, and maintained on fossil fuel-fired steam generators where measurements of oxygen or carbon dioxide in the flue gas are required to convert sulfur dioxide continuous emission monitoring data, to units of the emission standard in Chapter 5.

14.2.4 Sulfuric acid plants, as defined in this Chapter, with greater than 300 tons per day production capacity, the production being expressed as 100 percent acid, shall install, calibrate, maintain, and operate a continuous monitoring system for the measurement of sulfur dioxide for each sulfuric acid producing facility within such plant.

14.2.5 All monitoring equipment specified in this Chapter shall meet the performance specifications described in Appendix B of 40 CFR 60, except that the Director may from time to time specify different data averaging times and sampling intervals to permit accurate determinations of compliance with specific Air Pollution Control Rules and Regulations.

The monitoring equipment shall also be installed, calibrated, operated, and maintained in accordance with the procedures in Appendix B of 40 CFR 60 and the minimum specifications of Division 3 in Appendix P of 40 CFR 51.

(7.0) 14.3 Monitoring System Malfunction

14.3.1 Malfunctions of a monitoring system required in this Chapter which last more than 48 hours must be reported as expeditiously as possible to the Director in a written report. This report should include statements as to the time the monitor malfunctioned, the nature of the malfunction, the corrective action being taken, the estimated repair time, and any other information needed to demonstrate to the Director that the malfunction was unavoidable. The Director shall be informed of the time at which the monitor again becomes operational.

14.3.2 The Director may temporarily exempt an owner or operator from the monitoring and reporting requirements of this Chapter if it is demonstrated to the Director's satisfaction that the malfunction was unavoidable and is being repaired as expeditiously as possible.

(9.0) (13.0) 14.4 Alternate Monitoring and Reporting Requirements

14.4.1 Alternative monitoring and reporting requirements may be approved by the Director on a case-by-case basis, provided the following statements and explanations are contained in a written request to the Director:

(a) the basis or reason that alternative monitoring and reporting requirements are desirable and necessary;

(b) a proposal of alternative monitoring and reporting requirements;

(c) any other information needed by the Director to make a determination of the desirability of alternative requirements.

14.4.2 Request for alternative monitoring and reporting requirements may be made in certain situations, including, but not limited to, the following:

(a) when installation of a continuous monitoring system or device required by this Chapter would not provide accurate determinations of emissions;

(b) when the affected facility is operated less than 30 days per year;

(c) when effluents from two or more sources of significantly different design and operating characteristics are combined before release to the atmosphere or when the effluent from one source is released to the atmosphere through more than one point;

(d) when the Director determines that the requirements prescribed by this Chapter would impose an extreme economic burden on the source owner or operator. The determination of an extreme economic burden shall be made on the basis of whether meeting the requirements prescribed by this Chapter would produce serious hardship without equal or greater benefit to the public;

(e) when the monitoring systems prescribed by this Chapter cannot be installed due to physical limitations at the facility. The determination of such limitations shall be made on the basis of whether meeting the requirements prescribed by this Chapter would necessitate significant reconstruction of the facility.

14.4.3 The Director may require the submission of additional information as he deems appropriate to evaluate the request for alternative requirements. Upon making a determination that the source should be subject to alternative monitoring and reporting requirements, the Director may approve either the proposed alternative monitoring and reporting requirements or any other monitoring and reporting requirements that he deems appropriate and feasible.

(2.0) 14.5 Exemptions and Extensions

14.5.1 The Director may exempt any source from the requirements of this Chapter if such source is scheduled for permanent shut down by October 6, 1980, provided that adequate evidence and guarantees are provided to clearly show that the source will cease operations prior to such date.

14.5.2 The Director may grant reasonable extensions of the time provided for installation of monitors for facilities unable to meet the prescribed

18-month time frame, provided that the owner or operator of such facility demonstrates that good faith efforts have been made to obtain and install such devices within the prescribed timeframe.

14.5.3 If, prior to September 11, 1974, an affected source purchased an emission monitor which does not conform to the requirements of Appendix B of 40 CFR 60, then the source may be granted a five-year period from the date of the Environmental Protection Agency's approval of this revision, during which time the monitor installed on that source is exempt from applicable performance specifications.

AIR POLLUTION CONTROL RULES AND REGULATIONS

CITY OF HUNTSVILLE

(2.0)

CHAPTER 1

GENERAL PROVISIONS

(2.0) 1.1 Declaration of Policy and Purpose

1.1.1 It is hereby declared to be the public policy of the City of Huntsville and the purpose of these regulations to achieve and maintain for the City of Huntsville and police jurisdiction such levels of air quality as will protect human health and safety, and to the greatest degree practicable, prevent injury to plant and animal life and property, foster the comfort and convenience of the people, promote the social development of the City of Huntsville and facilitate the enjoyment of the natural attractions of this city.

1.1.2 To these ends it is the purpose of these regulations to provide for a coordinated program of air pollution prevention, abatement and control within the City of Huntsville and its police jurisdiction; to facilitate cooperation with the Alabama Air Pollution Control Commission and to provide a framework consistent with Act 769, Alabama Legislature, Regular Session 1971, within which all values may be balanced in the public interest.

(2.0) 1.2 Structure and Numbering of Rules and Regulations

1.2.1 Title and Scope

The provisions contained in these rules and regulations shall be known and may be cited as the City of Huntsville Air Pollution Control Rules and Regulations, and shall apply to all activities and all persons in Huntsville, Alabama city limits and police jurisdiction.

1.2.2 Chapters

The normal division of these rules and regulations are chapters, which should encompass a broad subject matter. Chapters are numbered consecutively in Arabic throughout the rules and reguations.

1.2.3 Parts

The normal division of chapters is parts. A part should be devoted to a specific subject matter within a chapter. Parts are numbered consecutively in Arabic throughout each chapter and shall include the number of the chapter set off by a decimal point. Thus, the part number for part 15 within Chapter 3 is 3.15.

1.2.4 Sections

The normal divisions of parts are sections. The section is the basic unit of these rules and regulations. Sections are numbered consecutively in Arabic throughout each part and shall include the numbers of the part set off by a decimal point. Thus, the section number for Section 26 of Part 3.15 is 3.15.26.

1.2.5 Internal Division of Sections

Whenever internal divisions are necessary, sections shall be subdivided into paragraphs, paragraphs into subparagraphs, and subparagraphs into subdivisions, designated as follows:

Terminology:	Illustrative Symbol:
Paragraph	(a)
Subparagraph	(1)
Subdivision	(i)

1.2.6 Promulgation Procedure

All requirements and provisions subject to inclusion in these rules and regulations shall be drafted as amendments to the Huntsville Air Pollution Control Rules and Regulations and prepared in accordance with the provisions of this part and with, insofar as it applies and does not conflict with this part, the provisions of Part 17 of Title 1 of the Code of Federal Regulations, or Alabama Air Pollution Control Act of 1971, as the same may be amended or revised.

(1.0) 1.3 Definitions

As used in these rules and regulations, terms shall have the meanings ascribed in this part.

1.3.1 "Act" shall mean the Alabama Air Pollution Control Act of 1971, Act No. 769, Regular Session, 1971.

1.3.2 "Air Contaminant" shall mean any solid, liquid, or gaseous matter, any odor, or any combination thereof, from whatever source.

1.3.3 "Air Pollution" shall mean the presence in the outdoor atmosphere of one or more air contaminants in such quantities and duration as are, or tend to be, injurious to human health or welfare, animal or plant life, or property, or would interfere with the enjoyment of life or property throughout the city and in such territories of the city as shall be affected thereby.

1.3.4 "APC" shall mean air pollution control.

1.3.5 "Air Pollution Control Officer" shall mean the Air Pollution Control Officer of the Air Pollution Control Department of the City of Huntsville, or in his absence, the Assistant Air Pollution Control Officer of the Department of Air Pollution Control.

1.3.6 "Air Pollution Emergency" shall mean a situation in which meteorological conditions and/or contaminant levels in the ambient air reach or exceed the levels which may cause imminent and substantial endangerment to health.

1.3.7 "Board" shall mean the City of Huntsville Air Pollution Control Board.

1.3.8 "Chairman" shall mean the Chairman of the City of Huntsville Air Pollution Control Board or in his absence, the Vice Chairman of the Air Pollution Control Board.

1.3.9 "Commenced" shall mean that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a binding agreement or contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

1.3.10 "Commission" shall mean the "Air Pollution Control Commission of the State of Alabama" established by the Act.

1.3.11 "Construction" shall mean fabrication, erection, or installation of an affected facility.

1.3.12 "Control" shall mean any device which has the function of controlling the emissions from a process, fuel-burning, or refuse-burning device and thus reduces the creation of, or the emission of air contaminants into the atmosphere, or both.

1.3.13 "Control Strategy" shall mean a collection of various emission standards selected for the different categories of sources.

1.3.14 "Control Regulation" shall mean a legally enforceable emission control strategy.

1.3.15 "City" shall mean the City of Huntsville, Alabama, and its police jurisdiction.

1.3.16 "Effluent Water Separator" shall mean any tank, box, sump, or other container in which any volatile organic compound floating on or entrained or contained in water entering such tank, box, sump, or other container is physically separated and removed from such water prior to outfall, drainage, or recovery of such water.

1.3.17 "Existing Source" shall mean any source in operation or on which construction has commenced on the date of initial adoption of an applicable rule or regulation; except that any existing source which has undergone modification after the date of initial adoption of an applicable rule or regulation, shall be reclassified and considered a new source.

1.3.18 "Emission" shall mean a release into the outdoor atmosphere of air contaminants.

1.3.19 "Employee" shall mean any employee of the City of Huntsville Air Pollution Control Department.

1.3.20 "Federal Act" shall mean the Clean Air Act (42 USC. 1857 et seq.) as last amended, and as may hereafter be amended.

1.3.21 "Fuel Burning Equipment" shall mean any equipment, device, or contrivance and all appurtenances thereto, including ducts, breechings, fuel-feeding equipment, ash removal equipment, combustion controls, stacks and chimney, used primarily, but not exclusively, to burn any fuel for the purpose of indirect heating in which the material being heated is not contacted by and adds no substance to the products of combustion.

1.3.22 "Fugitive Dust" shall mean solid air-borne particulate matter emitted from any source other than a flue or stack.

1.3.23 "Governing Body" shall mean the City Council of the City of Huntsville.

1.3.24 "Heat Available" shall mean the aggregate heat content of all fuels whose products of combustion pass through a stack or stacks.

1.3.25 "Incinerator" shall mean any equipment, device or contrivance and all appurtenances thereof used for the destruction by burning of solid, semi-solid, liquid, or gaseous combustible wastes.

1.3.26 "Maximum Process Weight Per Hour" shall mean the equipment manufacturer's or designer's guaranteed maximum (whichever is greater) process weight per hour.

1.3.27 "Model Year" shall mean the annual production period of new motor vehicles designated by the calendar year in which such period ends, provided that if the manufacturer does not so designate vehicles manufactured by him, the model year with respect to such vehicles shall mean the twelve month period beginning January 1 of the year specified herein.

1.3.28 "Modification" shall mean any physical change in, or change in the method of operation of, an affected source which increases the amount of any air contaminant (to which a rule or regulation applies) emitted by such source or which results in the emission of any air contaminant (to which a rule or regulation applies) not previously emitted, except that:

(a) Routine maintenance, repair, and replacement shall not be considered physical changes, and

(b) The following shall not be considered a change in the method of operation:

(1) An increase in the production rate;

(2) An increase in hours of operation;

(3) Use of an alternative fuel or raw material.

1.3.29 "Motor Vehicle" shall mean every self-propelled device in or upon or by which, any person or property is, or may be, transported or drawn upon a public highway.

1.3.30 "Multiple Chamber Incinerator" shall mean any incinerator consisting of three or more refractory lined combustion chambers in series, physically separated by refractory walls, interconnected by gas passage ports or ducts and employing adequate design parameters necessary for maximum combustion of the material to be burned.

1.3.31 "New Source" shall mean any source built or installed on or after the date of initial adoption of an applicable rule or regulation and any source existing at said stated time which later undergoes modification. Any source moved to other premises involving a change of location after the date of initial adoption of an applicable rule or regulation shall be considered a new source.

1.3.32 "Odor" shall mean smells or aromas which are unpleasant to persons, or which tend to lessen human food and water intake, interfere with sleep, upset appetite, produce irritation of the upper respiratory tract, or cause symptoms of nausea, or which by their inherent chemical or physical nature, or method of processing, are, or may be, detrimental or dangerous to health. Odor and smell are used interchangeably herein.

1.3.33 "Opacity" shall mean the obscuration to an observer's view produced by smoke of any color that is equivalent to an obscuration by smoke of a shade specified in the Ringelmann Smoke Chart published by the United States Bureau of Mines.

1.3.34 "Open Burning" shall mean the burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the ambient air without passing through an adequate stack, duct or chimney.

1.3.35 "Operating Time" shall mean the number of hours per year that a source conducts operations.

1.3.36 "Owner or Operator" shall mean any person who owns, leases, operates, controls, or supervises an affected facility, article, machine, equipment, or other contrivance, or source.

1.3.37 "Particulate Matter" shall mean finely divided material, except uncombined water which is a liquid or a solid at standard conditions of temperature at 70^{o}F and pressure at 14.7 pounds per square inch absolute.

1.3.38 "Person" means the State, any individual, partnership, firm, association, municipality, public or private corporation or institution, political subdivision or agency of the State, including any Environmental Improvement Authority established pursuant to Act Number 1117, Regular Session of 1969 (General Acts 1969, p. 2060), any trust, estate, or any other legal entity and any successor, representative, agent, or agency of the foregoing, the United States or any department agency or instrumentality of the executive, legislative or judicial branches of the Federal Government.

1.3.39 "PPM" refers to parts per million by volume.

1.3.40 "Process" shall mean any action, operation, or treatment of materials, including handling and storage thereof, which may cause discharge of an air contaminant, or contaminants, into the atmosphere, but excluding fuel burning and refuse burning.

1.3.41 "Process Weight" shall mean the total weight in pounds of all materials introduced into any specific process which may cause any discharge into the atmosphere.

1.3.42 "Process Weight Per Hour" shall mean the total weight of all materials introduced into any specific process that may cause any discharge of particulate matter. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. For a cyclical or batch operation, the process weight per hour will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle. For a continuous operation, the process weight per hour will be derived by dividing the process weight for a typical period of time by that time period.

1.3.43 "Refuse" shall mean matter consisting of garbage, rubbish, ashes, street debris, dead animals, abandoned vehicles, industrial wastes, demolition wastes, construction wastes, special wastes, or sewage treatment residue.

1.3.44 "Ringelmann Chart" shall mean the chart published and described in U.S. Bureau of Mines Information Circular 8333.

1.3.45 "Smoke" shall mean gas-borne particles resulting from incomplete combustion, consisting predominantly, but not exclusively, of carbon, ashes, or other combustible material.

1.3.46 "Soiling Index" shall mean a measure of the soiling properties of suspended particles in air determined by drawing a measured volume of air through a known area of Whatman No. 4 filter paper for a measured period of time, expressed as COHs/1,000 linear feet.

1.3.47 "Source" shall mean any building, structure, facility, installation, article, machine, equipment, device, or other contrivance which emits or may emit any air contaminant. Any activity which utilizes abrasives or chemicals for cleaning or any other purpose (such as cleaning the exterior of buildings) which emits air contaminants shall be considered a source.

1.3.48 "Stacks or Ducts" shall mean any flue duct, or other contrivance arranged to conduct emissions to the open air.

1.3.49 "Startup" shall mean the setting in operation of an affected source for any purpose.

1.3.50 "State" shall mean the State of Alabama.

1.3.51 "Submerged Fill Pipe" shall mean any fill pipe, the discharge opening of which is entirely submerged when the liquid level is 6 inches above the bottom of the tank, or when applied to a tank which is loaded from the side, shall mean any fill pipe, the discharge opening of which is entirely submerged when the liquid level is two times the fill pipe diameter, in inches, above the bottom of the tank.

1.3.52 "Total Reduced Sulfur (TRS)" shall mean hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide, and any other organic sulfides present.

1.3.53 "Uncombined Water" shall mean any water droplets or water vapor condensate that does not contain any other solid or liquid particulate matter attached to the water droplets.

1.3.54 "Volatile Organic Compounds" shall mean any compound containing carbon and hydrogen or containing carbon and hydrogen in combination with any other element which has a vapor pressure of 1.5 pounds per square inch absolute or greater under actual storage conditions.

1.4 The Air Pollution Control Program within the City of Huntsville is hereby continued. The Air Pollution Control Officer shall administer these regulations and the program in accordance with their terms, and in accordance with the rules and policies of the Board adopted pursuant hereto, and subject to the general supervision and control of the Mayor.

(16.0) 1.5 Powers and Duties of the Air Pollution Control Board.

The Board shall have the powers, duties, and authority duly delegated by these rules and regulations, as authorized by ordinance of the City of Huntsville, or as otherwise provided by law.

(14.0) 1.6 Availability of Records and Information

1.6.1 Public Inspection of Records

Except as is provided in this part, any records, reports or information obtained under the Act or these regulations and the official records of the Board shall be available to the public for inspection. Requests for permission to inspect such records should state the general subject matter of the records sought to be inspected to permit identification and location.

1.6.2 Exceptions

Upon a showing satisfactory to the Air Pollution Control Officer by any person that records, reports, or information, or particular part thereof, (other than emission data) to which the Air pollution Control Officer has access if made public, would divulge production or sales figures or methods, processes or production unique to such person, or would otherwise tend to affect adversely the competitive position of such person by revealing trade secrets, the Board and the Air Pollution Control Officer shall consider such record, report, or information or particular portion thereof confidential in the administration of the Act and these rules and regulations.

1.6.3 Creation of Record

Records will not be created by compiling selected items from other documents at the request of a member of the public, nor will records be created to provide the requester with data such as ratios, proportions, percentages, frequency distribution, trends, correlations, or comparisons.

1.6.4 Denial of Requests for, or Non-existence of Information

If it is determined pursuant to this Part that requested information will not be provided or that, to the best knowledge of the Air Pollution Control Officer, requested information does not exist, the Air Pollution Control Officer shall notify in writing the party requesting the information that the request is either denied or cannot be fulfilled, and the reasons thereof.

1.6.5 Copies of Documents

If it is determined that information requested may be disclosed, the requesting party shall be afforded the opportunity to obtain copies of the documents containing such information. If copies of information are requested, the Air Pollution Control Officer may furnish said copies at a price to be set by the Air Pollution Control Officer that would compensate for the cost of producing the requested copies.

1.6.6 Disclosure of Information

Nothing herein shall be construed to prevent disclosure of such report, record or information to Federal or other agencies or State representatives as necessary for purposes of administration of the Program or of any Federal or State Air Pollution Control Agencies or when relevant in any proceeding under the Act or these regulations.

1.6.7 Correlation of Information

As soon as practicable, the Air Pollution Control Officer shall provide for public availability of emission data reported by source owners or operators or otherwise obtained by the Air Pollution Control Officer. Such emission data shall be correlated with applicable emission limitations or other measures. As used in this section, "correlated" means presented in such a manner as to show the relationship between measured or estimated amounts of emissions and the amounts of such emissions allowable under these rules and regulations.

(4.0) 1.7 Ambient Air Quality Standards

1.7.1 Primary and Secondary Standards

The National Primary Ambient Air Quality Standards and National Secondary Ambient Air Quality Standards and accompanying appendices of reference methods, set forth at Part 50 of Title 40 of the Code of Federal Regulations, as the same may be amended or revised, are hereby incorporated and made a part of these regulations, and shall apply throughout the city and police jurisdiction.

1.7.2 Policy

It is the objective of the City to obtain and maintain the ambient air quality standards of this Part in achieving the policy and purpose of the Act and as required by the Federal Act. The adoption hereby of the national primary and secondary ambient air quality standards shall not be considered in any manner to allow significant deterioration of existing air quality in any portion of the city or police jurisdiction thereof.

1.7.3 Attainment of Primary Standard

These rules and regulations and the administration of the Air Pollution Control Program shall provide for the attainment of the national primary ambient air quality throughout the city and police jurisdiction thereof as expeditiously as practicable, but in no case later than three years after the date of initial adoption of these rules and regulations or within the time limits specified by Section 110(a) of the Clean Air Act, as amended (84 Stat. 1680) whichever is later.

1.7.4 Attainment of Secondary Standard

To the extent practicable and feasible, these rules and regulations and the administration of the Air Pollution Control Program shall strive for the attainment of the national secondary ambient air quality throughout the city and police jurisdiction concurrently with the attainment of the national primary ambient air quality standard as provided in Section 1.7.3.

(9.0) 1.8 Inspections

1.8.1 The Air Pollution Control Officer or his authorized representative may enter and inspect any property, premises or place on or at which an air contaminant source is located or is being constructed, installed or established at any reasonable time for the purpose of ascertaining the state of compliance with these regulations. No person shall refuse entry or access to the Air Pollution Control Officer or his authorized representative who requests entry for purposes of inspection, and who presents appropriate credentials; nor shall any person obstruct, hamper or interfere with any such inspection. If requested, the owner or operator of the premises shall receive a report setting forth all facts found which relate to compliance status.

1.8.2 The Air Pollution Control Officer or his authorized representative may conduct tests and take samples of air contaminants, fuel, process material or other material which affects or may affect emission of air contaminants from any source. Upon request of the Air Pollution Control Officer, the person responsible for the source to be tested shall provide necessary holes in stacks or ducts and such other safe and proper sampling and testing facilities, exclusive of instruments and sensing devices as may be necessary for proper determination of the emission of air contaminants. If the Air Pollution Control Officer during the course of an inspection obtains a sample of air contaminant, fuel, process material, or other material, he shall give the owner or operator of the equipment or fuel facility a receipt for the sample obtained.

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1.9 Monitoring, Records, Reporting

1.9.1 The Air Pollution Control Board may require the owner or operator of any air contaminant source to establish and maintain such records; make such reports; install, use and maintain such monitoring equipment or methods; sample such emissions in accordance with such methods, at such locations, intervals and procedures as the Air Pollution Control Board shall prescribe; and provide such periodic emission reports as required in Section 1.9.2.

1.9.2 Required Reports

Records and reports as the Air Pollution Control Board shall prescribe on air contaminants or fuel shall be recorded, compiled and submitted on forms furnished by the Air Pollution Control Officer or when forms are not furnished, then in formats approved by the Air Pollution Control Officer.

(a) Emissions of particulate matter, sulfur dioxide, and oxides of nitrogen shall be expressed as follows: in pounds per hour and pounds per million BTU of heat input for fuel-burning equipment; in pounds per hour and pounds per 100 pounds of refuse burned for incinerators; and in pounds per hour and in pounds per hourly process weight or production rate or in terms of some other easily measured and meaningful process unit specified by the Air Pollution Control Officer.

(b) Sulfur dioxide and oxides of nitrogen emission data shall be averaged over a 24-hour period and shall be summarized monthly. Daily averages and monthly summaries shall be submitted to the Air Pollution Control Officer quarterly. Data shall be calculated daily and available for inspection at any time.

(c) Particulate matter emissions data shall be compiled and calculated daily, and submitted quarterly.

(d) Visible emissions shall be measured continuously and records kept indicating total minutes per day in which stack discharge effluent exceeds 20 percent opacity. Data shall be summarized monthly and submitted monthly and submitted quarterly. Current daily results shall be available for inspection at any time.

(e) The sulfur content of fuels, as burned, except natural gas, shall be determined in accordance with current recognized ASTM procedures. Averages for periods prescribed by the Air Pollution Control Officer shall be submitted biannually. Records shall be kept current and be available for inspection.

1.9.3 Applicable Sources

In addition to any specific sources or any class of sources designated by the Air Pollution Control Officer, all point sources are subject to the reporting requirements of Section 1.9.2 of this Part.

(9.0) 1.10 Sampling and Testing Methods

1.10.1 Methods

All required sampling and testing shall be made, and the results calculated in accordance with sampling and testing procedures and methods approved by the Air Pollution Control Officer. All required samples and tests shall be made under the direction of persons qualified by training and/or experience in the field of air pollution control.

1.10.2 Standard Methods

The Air Pollution Control Officer, to the extent practicable, shall recognize and approve the test methods and procedures established by Part 60 of Title 40 of the Code of Federal Regulations, as the same may be amended or revised.

1.10.3 The Air Pollution Control Officer or his authorized representative may conduct tests and take samples of air contaminants, fuel, process material or other materials which affect or may affect emission of air contaminants from any source. Upon request of the Air Pollution Control Officer, the person responsible for the source to be tested shall provide necessary holes in stacks or ducts and such other safe and proper sampling and testing facilities exclusive of instruments and sensing devices as may be necessary for proper determination of the emission of air contaminants. If the Air Pollution Control Officer or his authorized representative during the course of an inspection obtains a sample of air contaminant, fuel, process material, or other material, he shall give the owner or operator of the equipment or fuel facility a receipt for the sample obtained.

1.10.4 Report to Owner or Operator

At the conclusion of any inspection under Part 1.8 of these regulations, or conduction of any testing or sampling under this Part, if requested, the owner or operator of the premises shall receive a report setting forth all facts found which relate to compliance status with these rules and regulations.

(6.0) 1.11 Compliance Schedule

1.11.1 Scope

Except as otherwise specified, compliance with the provisions of these rules and regulations shall be according to the time schedule of this Part.

1.11.2 New Sources

All new sources shall comply with the applicable rules and regulations of Chapter 5 et seq. within 60 days after achieving the maximum production rate at which the affected source will be operated, but not later than 120 days after initial startup of such source, unless the Air Pollution Control Officer specifies another period of time as a condition to the issuance of any Permit under 1.14.

1.11.3 Existing Sources

All existing sources not in compliance as of the date of initial adoption of an applicable rule or regulation contained in Chapter 5 et seq. shall be in compliance within 6 months of such initial date unless the owner or operator responsible for the operation of such source shall have submitted to the Air Pollution Control Officer in a form and manner satisfactory to him, a control plan and schedule for achieving compliance, such plan and schedule to contain a date on or before which full compliance will be attained, and such other information as the Air Pollution Control Officer may require. Any such plan and schedule expected to extend over a period of 18 or more months from such initial date shall include provisions for periodic increments of progress toward full compliance. If approved by the Air Pollution Control Officer, such dates shall be the dates on which such owner or operator shall achieve incremental progress and full compliance. The Air Pollution Control Officer may require persons to submit subsequent periodic reports on progress in achieving compliance. In no event shall the control plan and schedule exceed 3 years from the date of initial adoption of an applicable rule or regulation, or May 31, 1975, whichever date occurs first. The provisions of this Section shall not apply to sources for which permits are required under Chapter 3.

1.11.4 Nothing in this Part shall relieve any person, or any new or existing source from complying with the provisions of Chapter 1 and 2 of these rules and regulations.

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1.12 Maintenance and Malfunctions of Equipment, Reporting

1.12.1 Maintenance; Reporting

In the case of shutdown of air pollution control equipment (which operates pursuant to any permit issued by the Air Pollution Control Officer) for necessary scheduled maintenance, the intent to shutdown such equipment shall be reported to the Air Pollution Control Officer at least twenty-four (24) hours prior to the planned shutdown, unless such shutdown is accompanied by the shutdown of the source which such equipment is intended to control. Such prior notice shall include, but is not limited to the following:

(a) Identification of the specific facility to be taken out of service as well as its location and permit number.

(b) The expected length of time that the air pollution control equipment will be out of service.

(c) The nature and quantity of emissions of air contaminants likely to occur during the shutdown period.

(d) Measures such as the use of off-shift labor and equipment that will be taken to minimize the length of the shutdown period.

(e) The reasons that it would be impossible or impractical to shut down the source operation during the maintenance period.

1.12.2 Malfunction; Reporting

In the event that any emission source, air pollution control equipment, or related facility fails or breaks down in such a manner as to cause the emission of air contaminants in violation of these rules and regulations, the person responsible for such source, equipment, or facility shall notify the Air Pollution Control Officer within 24 hours of such failure or breakdown and provide a statement giving all pertinent facts, including the estimated duration of the breakdown. The Air Pollution Control Officer shall be notified when the condition causing the failure or breakdown has been corrected and such source, equipment, or facility is again in operation.

(2.0) 1.13 Prohibition of Air Pollution

No person shall permit or cause air pollution, as defined in Section 1.3.3 of this Chapter by the discharge of any air contaminant for which no ambient air quality standards have been set under Section 1.7.1.

(15.0) 1.14 Penalties and Citations

1.14.1 Any person who violates any provisions of these regulations or who violates any determination or order of the Air Pollution Control Officer pursuant to these regulations shall be liable to a penalty not to exceed $10,000 for said violation and an additional penalty not to exceed $10,000 for each day during which such violation continues, which penalty may be recovered by the City of Huntsville in a civil action in the Circuit Court of said county and such person may also be enjoined from continuing such violation.

1.14.2 Any money penalty so recovered shall be deposited in the City Treasury of the City of Huntsville, Alabama, to be appropriated by the Governing Body only for air pollution control purposes.

1.14.3 It shall be the duty of the City Attorney of the City of Huntsville to bring such actions in the Circuit Court at the request of the Mayor or Governing Body of the City of Huntsville, Alabama. The Huntsville Air Pollution Control Board may at its option make recommendations concerning the bringing of said actions to the Mayor or to the Mayor and Council of the city.

1.14.4 Any person who knowingly violates or fails or refuses to obey or comply with any provision of these regulations or knowingly submits any false information required by these regulations shall be guilty of a misdemeanor and upon conviction shall be punished as provided by law.

1.14.5 The Air Pollution Control Officer is hereby authorized to issue citations to any person violating any provisions of these regulations. Said citation shall command said person to cease and desist from violating the provisions of these regulations. The citation shall specify the provision or provisions of these regulations alleged to be violated and shall specify generally the facts alleged to constitute a violation thereof. Said citation shall command the person to appear at a hearing in person or by attorney at a time and place specified before the Air Pollution Control Board and show cause why a prosecution for the violation of the provision or provisions of these regulations should not be commenced. No citation shall be issued for an appearance before the Air Pollution Control Board less than 10 days after the issuance thereof, except when an emergency air episode has been declared, in which case appearance may be required within 24 hours. The citation may be directed to a business or corporation or to the president, manager, superintendent, or other person in charge of the business or corporation. The citation may be issued by leaving a copy thereof at any office of the business or corporation or by leaving a copy with some person at said office or at the residence of the president, manager, superintendent, or other person in charge.

1.14.6 The issuance of a citation shall not be a condition precedent to the beginning of a prosecution under sections 1.14.1, 1.14.3, and 1.14.4 hereof. However, where a citation has been issued the accused shall be afforded an opportunity to be heard upon said citation before any prosecution is commenced hereunder. At the conclusion of the hearing of the citation the Huntsville Air Pollution Control Board may cause a prosecution to be commenced for said violation in which case the Huntsville Air Pollution Control Board shall direct the Air Pollution Control Officer to appear before a Magistrate authorized to take oaths and issue warrants of arrest in the County where the air contaminant source is located and make affidavit setting out the findings of the Huntsville Air Pollution Control Board. The Magistrate shall forthwith issue a warrant of arrest for the party charged commanding any Sheriff or other officer of the State authorized by state law to execute warrants of arrest, to arrest the defendant and forthwith bring him before the Magistrate. The warrant shall be returnable to the court charged with jurisdiction to try misdemeanors committed in the City of Huntsville, Alabama.

1.14.7 The testimony taken at any hearing before the Huntsville Air Pollution Control Board shall be under oath and may be recorded stenographically, but the parties shall not be bound by the strict rules of evidence prevailing in the courts of law and equity. True copies of any transcripts or of any other record made of or at such hearing shall be furnished to any party thereto upon request and on payment of the reasonable cost of making such transcript.

(2.0) 1.15 Circumvention

No person shall cause or permit the installation or use of any device or any means which, without resulting in reduction in the total amount of air contaminant emitted, conceals or dilutes any emission of air contaminant which would otherwise violate these rules and regulations.

(2.0) 1.16 Severability

The provisions of these rules and regulations and the various applications thereof are declared to be severable and if any chapter, part, section, paragraph, subparagraph, subdivision, clause, or phrase of these rules and regulations shall be adjudged to be invalid or unconstitutional by any court of competent jurisdiction, the judgment shall not affect, impair or invalidate the remainder of these rules and regulations, but shall be confined in its operation to the chapter, part, section, paragraph, subparagraph, subdivision, clause, or phrase of these rules and regulations that shall be directly involved in the controversy in which such judgment shall have been rendered.

(8.0) CHAPTER 2

AIR POLLUTION EMERGENCY

(8.0) 2.1 Air Pollution Emergency

The Air Pollution Control Officer is authorized and empowered to enforce or require enforcement of any provisions of this Chapter throughout the territorial limits of the City of Huntsville and its police jurisdiction.

(8.0) 2.2 Episode Criteria

When the Air Pollution Control Officer determines that conditions justify the proclamation of an air pollution episode stage, due to the accumulation of air contaminants in any place within the city, attaining levels which could, if sustained or exceeded, lead to a substantial threat to the health of persons, he shall be guided by the following criteria.

2.2.1 Episode stages shall be determined and declared upon the basis of average concentration recorded at any monitoring station in the city.

2.2.2 If contamination and meteorological conditions warrant, any advanced episode stage may be declared by the Air Pollution Control Officer without first declaring a lesser degree of Alert or Watch. The Air Pollution Control Officer shall, at his discretion, declare a lesser stage, the termination or the continuance of the advanced episode stage during such time when contamination and meteorological conditions moderate significantly after an advanced episode stage has been declared.

2.2.3 Episode Watch

The Air Pollution Control Officer shall declare an Episode Watch when one or more of the following events take place.

(a) An Atmospheric Stagnation Advisory is issued by the National Weather Service, stating that atmospheric conditions marked by a slow moving high pressure system, light winds and temperature inversions are expected to affect the air shed of the City of Huntsville or portions thereof for the next 36 hours.

(b) A meteorological forecast that stagnant atmospheric conditions as described above could result in high air pollution levels in Huntsville or portions thereof.

(c) Validated reports of abnormally high air pollution measurements, specifically, reaching or exceeding 50 percent of the Alert level of Section 2.2.4 for at least three consecutive hours at a given locality in the city.

2.2.4 Alert

The Air Pollution Control Officer shall declare an Alert when any one of the following contaminant concentrations is measured at any monitoring site, and due to adverse meteorological conditions can be expected to remain at these levels or higher for the next 12 hours or more unless control measures are taken:

(a) Sulfur Dioxide - Measured by continuous coulometric or colorimetric analyzer, or equivalent.

24-hour average, 0.30 ppm (800 $\mu g/m^3$)

(b) Particulates - Measured by sequential tape sampler, two-hour accumulations (soiling index).

24-hour average, 3.0 COHS per 1000 linear feet or measured by Hi-vol (high volume sampler), 24-hour accumulation. 24-hour average, 375 $\mu g/m^3$.

(c) Sulfur Dioxide and Particulates Combined - Product of concurrent 24-hour average concentrations.

Sulfur dioxide, ppm, times particulates, COHS, equals 0.2; sulfur dioxide, $\mu g/m^3$, times particulates in $\mu g/m^3$ equals 65,000.

(d) Carbon Monoxide - Measured by continuous non-dispersive infrared analyzer, or equivalent.

8-hour average, 15 ppm (17 mg/m^3)

(e) Nitrogen Dioxide - Measured by continuous analyzer, or equivalent.

24-hour average, 0.15 ppm (282 $\mu g/m^3$) or
1-hour average, 0.6 ppm (1130 $\mu g/m^3$)

(f) Photochemical Oxidants - Measured by continuous chemiluminescent analyzer or equivalent.

1-hour average, 0.1 ppm (200 $\mu g/m^3$)

2.2.5 Warning

A warning shall be declared by the Air Pollution Control Officer when the concentrations of any of the following air contaminants measured at any monitoring site and due to adverse meteorological conditions can be expected to remain at these levels or higher for the next 12 hours or more unless control measures are taken:

(a) Sulfur Dioxide - Measured by continuous coulometric or colorimetric analyzer, or equivalent.

24-hour average, 0.6 ppm (1600 $\mu g/m^3$)

(b) Particulates - Measured by sequential tape sampler, two-hour accumulations (soiling index).

24-hour average, 5.0 COHS per 1000 linear feet or measured by Hi-vol, 24-hour accumulation:

24-hour average, 625 $\mu g/m^3$

(c) Sulfur Dioxide and Particulates Combined - Product of concurrent 24-hour average concentration.

Sulfur dioxide, ppm, times particulates COHS, equals 0.8 or sulfur dioxide, $\mu g/m^3$, times particulates, $\mu g/m^3$, equals 261,000.

(d) Carbon Monoxide - Measured by continuous non-dispersive infrared analyzer or equivalent.

8-hour average, 30 ppm (34 mg/m^3)

(e) Nitrogen Dioxide - Measured by continuous analyzer, or equivalent.

24-hour average, 0.30 ppm (565 $\mu g/m^3$)
1-hour average, 1.20 ppm (2260 $\mu g/m^3$)

(f) Photochemical Oxidants - Measured by continuous chemiluminescent analyzer, or equivalent.

1-hour average, 0.40 ppm (800 $\mu g/m^3$)

2.2.6 Emergency

When the following concentrations of air contaminants have been reached or due to meteorological conditions can be expected to reach or exceed these levels at any monitoring site in the city for a period of 12 hours or more unless control actions are taken, the Air Pollution Control Officer shall declare an Emergency:

(a) Sulfur Dioxide - Measured by continuous coulometric or colorimetric analyzer, or equivalent.

24-hour average 0.8 ppm (2100 $\mu g/m^3$)

(b) Particulates - Measured by sequential tape sampler, two-hour accumulations (soiling index).

24-hour average, 7.0 COHS per 1000 linear feet or measured by Hi-vol, 24-hour accumulation.

24-hour average, 875 $\mu g/m^3$

(c) Sulfur Dioxide and Particulates Combined - Product of concurrent 24-hour average concentrations.

Sulfur dioxide, ppm, times particulates, COHS, equals 1.2 or sulfur dioxide, $\mu g/m^3$, times particulates, $\mu g/m^3$, equals 393,000

(d) Carbon Monoxide - Measured by continuous non-dispersive infrared analyzer, or equivalent.

8-hour average, 40 ppm (46 mg/m^3)

(e) Nitrogen Dioxide - Measured by continuous analyzer, or equivalent.

24-hour average, 0.40 ppm (750 $\mu g/m^3$)
1-hour average 1.60 ppm (3000 $\mu g/m^3$)

(f) Photochemical Oxidants - Measured by continuous chemiluminescent analyzer, or equivalent.

1-hour average, 0.60 ppm (1200 $\mu g/m^3$)

2.2.7 Termination

(a) The status reached by application of the Episode Criteria of this part shall remain in effect until the criteria for that level is no longer met. At such time, the next lower status will be assumed and such changes declared by the Air Pollution Control Officer. Specifically:

(1) When ambient contaminant concentrations fall below the criteria levels for the stage, and a downward trend of concentrations is established; and

(2) When meteorological conditions that attended the high concentrations are no longer called for in official weather predictions.

(b) A public declaration will take on one of the following forms.

(1) Terminate "Emergency Status", resume "Warning Status" or "Alert Status"; whichever is appropriate.

(2) Terminate "Warning Status", resume "Alert Status" or appropriate stage.

(3) Terminate "Episode Status".

(c) Upon termination of an "Episode Status", the Air Pollution Control Program will remain on internal "Episode Watch" until a return to normal operation is announced by the Air Pollution Control Officer.

2.2.8 Status Declaration Authority - The Air Pollution Control Officer or his duly authorized agent, shall have the authority to make an announcement of internal Episode Watch, and public declarations of Alert, Warning and Emergency Status.

(8.0) 2.3 Special Episode Criteria

2.3.1 The Air Pollution Control Officer shall have the authority to declare episodic conditions when the atmospheric concentration of a single contaminant or that of a specific locality within the city show elevated concentrations.

2.3.2 Specific Pollutant Situation

When concentrations of one or two contaminants reach or exceed the defined criteria levels, and concentration of other contaminants remain substantially below 50 percent of Alert levels, and meteorological conditions are such that these specific contaminant concentrations can be expected to remain at the above levels for 12 hours or more or increase unless control action is taken, a Specific Alert, Warning, or Emergency Status shall be declared by the Air Pollution Control Officer, naming the contaminants that meet the respective criteria. In such instances when two such contaminants meet different criteria, the Air Pollution Control Officer shall declare the status for the episode having the higher level, and that an Episode Watch is being maintained on the remaining contaminants.

2.3.3 Specific Locality Situation

The Air Pollution Control Officer shall, when high concentrations of one or more contaminant measured at one monitoring site and not others and the effect is judged to originate from an identifiable source near the given site, shall declare the appropriate local Alert, Warning, or Emergency Status for the delineated area and that an Episode Watch is in effect for any remaining portion of the jurisdictional area while meteorological conditions favor the maintenance or increase of said high concentration for at least 12 hours or more unless control action is taken.

(8.0) 2.4 Emission Reduction Plans

Upon declaring an Episode Watch, Alert, Warning, or Emergency, the Air Pollution Control Officer shall order persons responsible for the operation of a source of air contaminants causing or contributing to such episode to take the general measures outlined in the Emergency Episode Plan for the City of Huntsville or revision thereof, as he deems appropriate, in addition to all specific source curtailments designated by him.

(8.0) 2.5 Emission Reduction Plans for Two Contaminants

The Air Pollution Control Officer shall declare an Alert, Warning, or Emergency Status specific for two contaminants when the ambient concentrations of two contaminants simultaneously reach or exceed their respective Episode Criteria of this Chapter and meteorological conditions are such that contaminant concentrations can be expected to remain at those criteria levels for 12 or more hours or increase unless control actions are taken. When criteria levels correspond to different episode status for two contaminants, the Air Pollution Control Officer shall declare the status of the higher of the two.

(8.0) 2.6 Emission Reduction Plans for General Episodes

The Air Pollution Control Officer shall, in the event that ambient concentrations of three or more contaminants simultaneously reach or exceed their respective Episode Criteria and no improvements in meteorological conditions is forecast for the next 12 hours, declare a General Alert, Warning, or Emergency Status. In the event the criteria levels correspond to different statuses for each contaminant, the Air Pollution Control Officer shall declare a general status corresponding to the highest individual status.

(8.0) 2.7 Emission Reduction Plan for Local Episodes

2.7.1 The Air Pollution Control Officer shall specify the area of the city affected when a Local Alert, Warning or Emergency Status is declared, or when an Accidental Episode for common contaminants occurs, based upon air quality and meteorological reports and predictions.

2.7.2 When the Air Pollution Control Officer declares such a local episode, any person responsible for the operation from which excess emissions results, shall shut down such an operation and make repairs or alter the process as required to restore normal operations.

2.7.3 When the Air Pollution Control Officer declares that a Local Alert, Warning, or Emergency Status is in effect for a delineated area, corresponding General Measures shall be applied as detailed in Part 2.4, depending upon which contaminant (s) is/are being emitted in excess.

(8.0) 2.8 Emission Reduction Plans for Other Sources

2.8.1 Any person responsible for the operation of a source of air contaminants as determined by the Air Pollution Control Officer shall prepare standby plans for reducing the emissions of air contaminants during periods of an Episode Alert, Warning, and Emergency. Standby plans shall be designed to reduce or eliminate emissions of air contaminants in accordance with the objectives set forth in Part 2.4.

2.8.2 Any person responsible for the operation of a source of air contaminants not designated by the Air Pollution Control Officer shall when requested by the Air Pollution Control Officer in writing, prepare standby plans for reducing the emission of air contaminants during periods of Episode Alert, Warning and Emergency. Standby plans shall be designed to reduce or eliminate emissions of air contaminants in accordance with the objectives set forth in Part 2.4.

2.8.3 Standby plans as required under Section 2.8.1 shall be in writing and identify the sources of air contaminants, the amount of reduction of contaminants and a brief description, of the manner in which reduction will be achieved during Episodes of Alert, Warning, and Emergency.

2.8.4 During Episodes of Alert, Warning, and Emergency Status, standby plans as required by this Chapter shall be made available on the premises to any person authorized to enforce the provisions of applicable rules and regulations.

2.8.5 Standby plans as required by these rules and regulations shall be submitted to the Air Pollution Control Officer upon request within 30 days of the receipt of such request; such standby plans shall be subject to review and approval by the Air Pollution Control Officer.

If in the opinion of the Air Pollution Control Officer, a standby plan does not effectively carry out the objectives as set forth in these rules and regulations, the Air Pollution Control Officer may disapprove it, state the reason for disapproval and order the preparation of an amended standby plan within the time period specified in the order.

(8.0) 2.9 Emergency Procedure

2.9.1 Any other provisions of law to the contrary notwithstanding, if the Air Pollution Control Officer finds that a generalized condition of air pollution exists and that it creates an emergency requiring immediate action to protect human health or safety, the Air Pollution Control Officer shall order persons causing or contributing to the air pollution to reduce or discontinue immediately the emission of air contaminants, and such order shall fix a place and time, not later than twenty-four hours thereafter, for a hearing to be held before the Air Pollution Control Board. Not more than twenty-four hours after the commencement of such hearing, and without adjournment thereof, the Air Pollution Control Board shall affirm, modify or set aside the order of the Air Pollution Control Officer.

2.9.2 In the absence of a generalized condition of air pollution of the type referred to in section 2.9.1, but if the Air Pollution Control Officer finds that emissions from the operation of one or more air contaminant sources is causing imminent danger to human health or safety, he may order the person or persons responsible for the operation or operations in question to reduce or discontinue emissions immediately without regard to the provisions of standby plans. In such event, the requirements for hearing and affirmance, modification or setting aside of orders set forth in section 2.9.1 shall apply.

2.9.3 Nothing in this section shall be construed to limit any power which the Air Pollution Control Officer, the Alabama Air Pollution Control Commission, the Governor or any other person may have to declare an emergency and act on the basis of such declaration, if such power is conferred by statute or constitutional provisions, or inheres in the office.

2.9.4 In addition to, and without in any way limiting the foregoing, if the Air Pollution Control Officer determines at any time that air pollution in Huntsville or in any portion of the police jurisdiction constitutes an emergency risk to the health of those present in the city or said area of the police jurisdiction, and that the resources of the Huntsville Air Pollution Control Board are not sufficient to abate said air pollution, such determination shall be communicated by telephone and in writing, with the factual findings on which such determination is based to the Director of the Division of Air Pollution Control of the Alabama Department of Public Health or to the State Health Officer in his capacity as Chairman of the Alabama Air Pollution Control Commission or to the Environmental Protection Agency of the Federal Government. Such communication shall request assistance in the abatement of said air pollution emergency consistent with the provisions of Act 769, Alabama Legislature, Regular Session 1971, and the Federal Clean Air Act as amended. The Air Pollution Control Officer may delegate to the Deputy Air Pollution Control Officer the power to make said determinations and deliver the same to the Director of the Division of Air Pollution Control of the Alabama Department of Public Health or to the State Health Officer or the Environmental Protection Agency in the name of the Air Pollution Control Officer.

(3.0)

CHAPTER 3

PERMITS

(3.0) 3.1 Permits Required

3.1.1 Permit to Construct

Any person building, erecting, altering or replacing any article, machine, equipment or other contrivance, the use of which may cause the issuance of or an increase in the issuance of air contaminants or the use of which may eliminate or reduce or control the issuance of air contaminants, shall first obtain authorization for such construction from the Air Pollution Control Officer in the form of a Permit to Construct. A Permit to Construct shall remain in effect until the Permit to Operate the equipment for which the application was filed is granted or denied or the application is cancelled.

3.1.2 Permit to Operate

(a) Before any article, machine, equipment or other contrivance described in Section 3.1.1 may be operated or used, a written permit shall be obtained from the Air Pollution Control Officer. No permit to operate shall be granted for any article, machine, equipment, or contrivance described in Section 3.1.1, constructed or installed without authorization as required by Section 3.1.1, until the information required is presented to the Air Pollution Control Officer and such article, machine, equipment or contrivance is altered, if necessary, and made to conform to the standards established by the City.

(b) Any article, machine, equipment or other contrivance described in Section 3.1.1 which is presently operating (or which is not presently operating but which is capable of being operated) without a Permit to Operate, may continue to operate (or may restart) only if its owner or operator obtains a Permit to Operate prior to a date to be set by the Air Pollution Control Officer (or prior to restarting).

(c) The Air Pollution Control Officer shall have the authority to decide cases where an article, machine, equipment or other contrivance is not clearly subject to nor exempt from the application of this chapter. In addition, the Air Pollution Control Officer may rule that a particular article, machine, equipment or other contrivance is subject to the application of this chapter even though it is exempt from the system according to Part 3.1 and 3.2 of this chapter. The operator or builder of such an article, machine, equipment, or other contrivance may appeal the Air Pollution Control Officer's classification to the Board which shall overrule the Air Pollution Control Officer only if it is shown that he acted arbitrarily and contrary to the purpose of the Act and these regulations.

3.1.3 Display of Permit to Operate

A person who has been granted a Permit to Operate any article, machine, equipment, or other contrivance shall keep such permit under file or on display at all times at the site where the article, machine, equipment, or other contrivance is located and will make such a permit readily available for inspection by any and all persons who may request to see it.

(2.0) 3.2 Exemptions

From time to time the Air Pollution Control Board may specify certain classes or sizes of articles, machine, equipment, or other contrivances which would normally be subject to the requirement to obtain Permits to Operate or Construct, as being exempt from the requirement to obtain such permits. Exempt sources are subject in every other way to these rules and regulations.

(3.0) 3.3 Transfer

A Permit to Construct or Operate shall not be transferable whether by operation of law or otherwise, either from one location to another, from one piece of equipment to another, or from one person to another.

(3.0) 3.4 Applications

Every application for a Permit to Construct or Operate required under Part 3.1 shall be filed in the manner and form prescribed by the Air Pollution Control Officer and shall give all the information necessary to enable the Air Pollution Control Officer to make the determination required by Part 3.8 of this Chapter.

(3.0) 3.5 Cancellation of Applications

A Permit to Construct shall expire and the application shall be cancelled two years from the date of issuance of the Permit to Construct if the construction has not begun.

(3.0) 3.6 Action of Application

The Air Pollution Control Officer shall act, within a reasonable time, on an application for Permit to Construct, Permit to Operate and shall notify the applicant in writing of its approval, conditional approval or denial.

(9.0) 3.7 Provisions of Sampling and Testing Facilities

A person operating or using any article, machine, equipment or other contrivance for which these rules and regulations require a permit shall provide and maintain such sampling and testing facilities as specified in the Permit to Construct or Permit to Operate.

(3.0) 3.8 Standards for Granting Permits

3.8.1 The Air Pollution Control Officer shall deny a permit except as provided by Part 3.9, if the applicant does not show that every article, machine, equipment or other contrivance, the use of which may cause the issuance of air contaminants, is so designed, controlled, or equipped with such air pollution control equipment, that it may be expected to operate without emitting or without causing to be emitted air contaminants in violation of these rules and regulations.

3.8.2 The Air Pollution Control Officer shall deny a permit if the applicant does not present, in writing, a plan whereby the emission of air contaminants by every article, machine, equipment or other contrivance described in the permit application, will be reduced during periods of an Air Pollution Alert, Air Pollution Warning, and Air Pollution Emergency in accordance with the provisions of Chapter 2.

3.8.3 Before a Permit to Construct or Permit to Operate is granted, the Air Pollution Control Officer may require the applicant to provide and maintain such facilities as are necessary for sampling and testing purposes in order to secure information that will disclose the nature, extent, quantity or degree of air contaminants discharged into the atmosphere from the article, machine, equipment or other contrivance described in the Permit to Construct or Permit to Operate. In the event of such a requirement, the Air Pollution Control Officer shall notify the applicant in writing of the required sizes, number and location of the sampling platform; the access to the sampling platform; and the utilities for operating the sampling and testing equipment.

3.8.4 The Air Pollution Control Officer may also require the applicant to install, use and maintain such monitoring equipment or methods; sample such emission in accordance with such methods, at such locations, intervals and procedures as may be specified; and provide such information as the Air Pollution Control Officer may require.

3.8.5 Before acting on an application for Permit to Construct or Permit to Operate, the Air Pollution Control Officer may require the applicant to furnish further information or further plans or specifications.

3.8.6 In acting upon a Permit to Operate, if the Air Pollution Control Officer finds that the article, machine, equipment or other contrivance has been constructed not in accordance with the Permit to Construct, and if the changes noted are of a substantial nature in that the amount of air contaminants emitted by the article, machine, equipment or other contrivance may be increased, or in that effect is unknown, then he shall deny the Permit to Operate. The Air Pollution Control Officer shall not accept any further application for a Permit to Operate until the article, machine, equipment or other contrivance has been reconstructed in accordance with the Permit to Construct, or until the applicant has proven to the satisfaction of the Air Pollution Control Officer that the change will not cause an increase in the emission of air contaminants.

3.8.7 The Air Pollution Control Officer shall deny a Permit to Construct where he determines that the construction and operation of such source will interfere with attaining or maintaining any primary or secondary standard established by Section 1.7 or will allow significant deterioration of existing air quality.

3.8.8 In granting any Permit to Operate, the Air Pollution Control Officer may allow, as a condition of such permit, for the intermittent discharge of air contaminants, during startup, shut down, rate change or load change, in excess of the limitations specified in these rules and regulations where he finds that because of the nature of the source there is no practicable alternative.

(2.0) 3.9 Conditional Approval

3.9.1 The Air Pollution Control Officer may issue a Permit to Construct or a Permit to Operate subject to conditions which will bring the operation of any article, machine, equipment or other contrivance within the standards of Part 3.8, in which case the conditions shall be specified in writing. Commencing work under such a Permit to Construct or operating under such a Permit to Operate shall be deemed acceptance of all the conditions specified. The Air Pollution Control Officer shall issue a Permit to Construct or a Permit to Operate with revised conditions upon receipt of a new application, if the applicant demonstrated that the article, machine, equipment or other contrivance can operate within the standards of Part 3.8 under the revised conditions.

3.9.2 A Conditional Permit may allow an article, machine, equipment or other contrivance to be operated in violation of the conditions of Section 3.8 if one of the conditions of the permit is a definite schedule by which the article, machine, equipment, or contrivance may attain the conditions of Section 3.8 and be granted a Permit to Operate, and if the schedule provides for attaining the conditions of Section 3.8 at the earliest possible date and is approved by the Air Pollution Control Officer. A Conditional Permit will be revoked if the applicant does not submit progress reports to the Air Pollution Control Officer according to the schedule established by the Conditional Permit. The Air Pollution Control Officer may further revoke the Conditional Permit if the progress reports do not show satisfactory progress as specified by the terms of the Conditional Permit or if the progress reports are found to be inaccurate.

3.9.3 A Conditional Permit that allows any new article, machine, equipment or contrivance to operate in violation of the requirements of Part 3.8 may not be granted for a period of time greater than one year, including all renewals.

3.9.4 No Conditional Permit issued under this Part for any existing article, machine, equipment or contrivance may be granted for a period of time longer than the greater of the following periods:

(a) The period from the granting of the permit to a date three years after the date of initial adoption of an applicable rule or regulation.

(b) The period from the granting of the permit to a date three years after the date the Administrator of the U.S. Environmental Protection Agency approves, in accordance with Section 110 of the Federal Act, such applicable rule or regulation as a part of an implementation plan (or any revision thereof).

(3.0) 3.10 Temporary Permit to Operate

3.10.1 Upon application for a Permit to Operate by a new facility, the Air Pollution Control Officer shall, within a reasonable period of time, dispatch an inspector to the facility in question. If the inspector determines that the facility has been constructed according to the specifications as set forth under the Permit to Construct, or else that any changes to the facility would reduce or effect to an unsubstantial degree that quantity of air contaminants emitted by the facility, and if the Air Pollution Control Officer, agrees with this conclusion, then the Air Pollution Control Officer shall issue a

Temporary Permit to Operate which will remain in force until an official inspection of the facility under actual operating conditions can be made and the results reviewed, or until the Temporary Permit is suspended or revoked by the Air Pollution Control Officer. The Air Pollution Control Officer may issue a Temporary Permit to operate without an inspection if the applicant fulfills the requirements of Sections 3.10.2 and 3.10.3 of this Part.

3.10.2 The Air Pollution Control Officer may issue a Temporary Permit to Operate without an inspection if the application for a Permit to Construct is countersigned by a Professional Engineer familiar with air pollution control as it relates to the equipment under application.

3.10.3 Upon completion of the construction, a Professional Engineer familiar with the Permit to Construct submits a letter to the Air Pollution Control Officer, signed and sealed with his professional stamp, testifying that the construction under application has been completed and is in accordance with the specification as set down in the Permit to Construct. The Air Pollution Control Officer is empowered to reject the testimony of the Professional Engineer if the Air Pollution Control Officer decided that the Professional Engineer's qualifications are insufficient to allow him to accurately and completely assess the equipment in question. A Professional Engineer may appeal any such judgment to the Board.

(3.0) 3.11 Denial of Application

In the event of denial of a Permit to Construct or Permit to Operate, the Air Pollution Control Officer shall notify the applicant in writing of the reasons therefor. Service of this notification may be made in person or by mail, and such service may be proved by the written acknowledgement of the persons served or affidavit of the person making the service. The Air Pollution Control Officer shall not accept a further application unless the applicant has complied with the objections specified by the Air Pollution Control Officer as his reasons for denial of the Permit to Construct or the Permit to Operate.

(2.0) 3.12 Appeals

Within 10 days after notice by the Air Pollution Control Officer of denial or conditional approval of a Permit to Construct or Permit to Operate, the applicant may petition the Board, in writing, for a review. The Board may sustain or reverse the action of the Air Pollution Control Officer; such order may be subject to specified conditions.

3.13 The holder of a Permit under this Part shall comply with conditions contained in such Permit as well as all applicable provisions of these rules and regulations except where violations are specifically allowed in accordance with a Conditional Permit issued under Section 3.9.

(5.0) CHAPTER 4

VARIANCES

(5.0) 4.1 Granting of Variances

4.1.1 The Board may grant individual variances beyond the limitations prescribed in the Act or these regulations, whenever it is found, upon presentation of adequate proof, that compliance with any rule or regulation, requirement or order of the Board or Air Pollution Control Officer would impose serious hardship without equal or greater benefits to the public, and the emissions occuring or proposed to occur do not endanger or tend to endanger human health or safety, human comfort, and aesthetic values. In granting or denying a variance the Board shall file and publish a written opinion stating the facts and reasons leading to its decision.

4.1.2 In granting a variance, the Board may impose such conditions as the policies of the Act and these rules and regulations may require. If the hardship complained of consists solely of the need for a reasonable delay in which to correct a violation of these rules and regulations, the Board shall condition the granting of such variance upon the posting of sufficient performance bond or other security to assure the correction of such violation within the time prescribed.

4.1.3 Any variance granted pursuant to the provisions of this section shall be granted for such period of time, not exceeding one year, as shall be specified by the Board at the time of the grant of such variance, and upon the condition that the person who receives such variance shall make such periodic progress reports as the Board shall specify. Such variance may be extended from year to year by affirmative action of the Board, but only if satisfactory progress has been shown.

4.1.4 Any person seeking a variance shall do so by filing a petition for variance with the Board, which shall promptly give notice of such petition in a newspaper of general circulation in the city. The Air Pollution Control Officer shall promptly investigate such petition, consider the views of persons who might be adversely affected by the granting of a variance and make a recommendation to the Board as to the disposition of the petition. If the Board, in its discretion, concludes that a hearing would be advisable, or if any person files a written objection to the grant for such variance within 21 days of petition notice, then a hearing shall be held. All such hearings shall be open to the public, and reasonable opportunity to be heard with respect to the subject of the hearing shall be afforded to any person. All testimony taken before the Board shall be recorded stenographically. The transcript so recorded, and any written submissions to the Board in relation to such hearings, shall be open to public inspection.

4.1.5 If the Board fails to take final action upon a variance request within 90 days after the filing of the petition, the petitioner may deem the request denied.

4.1.6 A variance or renewal shall not be a right of the applicant or holder thereof but shall be in the discretion of the Board; however, any person adversely affected by a variance or renewal granted by the Board may obtain judicial review by filing notice of appeal with the Register in Chancery of Madison County in Equity within twenty days from the action of the Board thereon. The case shall be heard by the Court under the same rules and with the same requirements as a petition for injunction would be heard. On appeal, the Circuit Court shall grant said variance unless it finds the operation of the air contamination source in the manner allowed in the variance would amount to a private or public nuisance, or if it finds that the Board acted arbitrarily or capriciously.

(2.0) 4.2 Petition Procedures

4.2.1 Any person subject to any rule or regulation, requirement or order, may petition the Board for a variance from the application thereof, as prescribed by the Act or these regulations. A petition for a variance must state the following:

(a) The name, address and telephone number of the petitioner, or other person authorized to receive service of notices.

(b) Whether the petitioner is an individual, partnership, corporation or other entity, and names and addresses of the officers, if a corporation, and names and addresses of the persons in control, if other entity.

(c) The type of business or activity involved in the application and the street address at which it is conducted.

(d) A brief description of the article, machine, equipment or other contrivance, if any involved in the petition.

(e) The signature of the petitioner, or that of some person on his behalf, and, where the person signing is not the petitioner, the authority to sign.

(f) The rule or regulation, requirement or order complained from which a variance is requested.

(g) The facts showing why compliance with such rule or regulation, requirement or order would impose serious hardship on the petitioner or on any other person or persons without equal or greater benefits to the public.

(h) The facts showing why the emissions occurring or proposed to occur do not endanger or tend to endanger human health or safety, human comfort, and aesthetic values.

(i) For what period of time the variance is sought and why.

(j) Provisions of the rule or regulation, requirement or order which the petitioner can meet and the date when petitioner can comply with such provisions.

(k) Whether or not any case involving the same identical equipment or process identified in subparagraph (d) is pending in any court, civil, or criminal.

4.2.2 All petitions shall be typewritten, double spaced, on legal or letter size paper, on one side of the paper only.

(2.0) 4.3 Failure to Comply with Procedures

4.3.1 The Air Pollution Control Officer shall not accept for filing, and service of petitions unless the Chairman or any two members of the Board direct otherwise and confirm such direction in writing. Such direction need not be made at a meeting of the Board.

4.3.2 The Chairman or any two members, without a meeting, may require the petitioner to state further facts or reframe a petition so as to disclose clearly the issues involved.

(2.0) 4.4 Objection Procedures

4.4.1 A person may file a written objection to the grant of a variance within 21 days from initial advertised notice and thus insure that a public hearing will be held, according to Section 4.1.4 of this Chapter. An objection to the granting of a variance must state:

(a) The objector's name, address, and telephone number.

(b) Whether the objector is an individual, partnership, corporation or other entity, and names and addresses of the partners if a partnership, names and addresses of the officers if a corporation, and the names and addresses of the persons in control if other entity.

(c) A specification of which petition for a variance is being objected to.

(d) A statement indicating why the objector believes that the variance should not be granted.

4.4.2 All objections should be typewritten or carefully printed in ink on legal or letter size paper.

(16.0) 4.5 Rules of Evidence at Hearing

4.5.1 Each party shall have these rights; to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him to testify; and to rebut the evidence against him. If a petitioner or objector does not testify in his own behalf, he may be called and examined as if under cross-examination.

4.5.2 The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be submitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions, and irrelevant and unduly repetitious evidence shall be excluded.

(51.9)
(51.13)

CHAPTER 5

CONTROL OF OPEN BURNING AND INCINERATION

(51.13) 5.1 It shall be unlawful for any persons to cause, suffer, allow or permit open burning except as provided in Section 5.1.2 and 5.1.3 hereof. It shall be unlawful for any person to fail or refuse to take all reasonable and necessary steps and precautions to prevent open burning upon any premises owned, occupied or under the control of such person. It shall be unlawful for any person to fail or refuse to take all reasonable and necessary steps and precautions to extinguish or otherwise terminate and abate any open burning which has originated through any cause whatsoever upon any premises owned, occupied or under the control of such person or upon premises upon which such person is carrying out any operation or activity.

5.1.1 It shall be unlawful for any person to conduct a salvage operation by open burning.

5.1.2 Open burning may be permitted if all the following conditions are met.

(a) A written statement is filed with the Air Pollution Control Officer giving the reasons why no other method except open burning can be employed to dispose of the refuse involved; the amount and kind of refuse to be burned; the exact location where the open burning will take place; the dates and times when the open burning will be done.

(b) The burning will be done only between the hours of 10:00 A.M. and 4:00 P.M. Central Standard Time, if practical.

(c) The applicant submits a plan to cease or abate such fire at any time the same becomes a fire hazard or in the opinion of the Air Pollution Control Officer, represents a threat to the overall air quality of the area.

(d) A permit is obtained from the Fire Marshal indicating that no safety hazard will be created by the open burning.

(e) The Air Pollution Control Officer issues a permit therefor and a written determination that such burning will not cause any violation of any air quality standard and that there is no other practical means of disposal.

(f) No permit for such burning shall be valid for more than a 10 day period from the issuance thereof.

5.1.3 Open burning may be permitted without compliance with Section 5.1.2 above stated only in the following specifically listed instances:

(a) Fires used for cooking of food or for ceremonial or recreational purposes including barbeques and outdoor fireplaces. Only clean fuel not containing garbage, rubber, plastics or other refuse is permitted.

(b) Fires set by or at the direction of responsible fire control agencies for the prevention, elimination or reduction of a fire hazard.

5.1.4 Open burning may be permitted in the following instances without compliance with Section 5.1.2 (b) or 5.1.2 (c) provided there is full compliance with Section 5.1.2 (a) and 5.1.2 (e):

(a) Smokeless flares or safety flares for the combustion of waste gases provided other, remaining applicable conditions of this regulation are met.

(b) Such other open burning as may be approved by the Air Pollution Control Officer where there is no other practical, safe, and lawful method of disposal.

(c) Fires set for the training and instruction of public or private firefighting personnel including those in Civil Defense.

(51.9) 5.2 Incinerator Design and Operation

5.2.1 No residential or commercial single-chamber incinerator shall be used for the burning of refuse for a period in excess of 18 months after the initial adoption date of these rules and regulations.

5.2.2 All new incinerators and all existing incinerators, within 18 months after the initial adoption date of these rules and regulations, shall be multiple-chamber incinerators, provided that the Air Pollution Control Officer may approve any other type of incinerator if it is demonstrated such design provides equivalent performance.

5.2.3 No person shall operate or cause or permit the operation of any incinerator at any time other than between the hours of 10:00 A.M. and 3:30 P.M. Central Standard Time. This restriction shall not apply to incinerators having a refuse-burning capacity of five tons per hour or more.

5.2.4 Incinerators shall be designed and operated in such manner as is necessary to prevent the emission of objectionable odors.

5.2.5 No person shall cause or permit to be emitted into the open air from any incinerator, particulate matter in the exhaust gases to exceed 0.20 pounds per 100 pounds of refuse charged; provided that: for incinerators of more than 50 tons per day charging rate, particulate matter in the exhaust gases may not exceed 0.10 pounds per 100 pounds of refuse charged.

5.2.6 Emission tests shall be conducted at maximum burning capacity of the incinerator.

5.2.7 The burning capacity of an incinerator shall be the manufacturer's or designer's guaranteed maximum rate or such other rate as may be determined by the Air Pollution Control Officer in accordance with good engineering practices. In case of conflict, the determination made by the Air Pollution Control Officer shall govern.

5.2.8 For the purposes of this Part, the total of the capacities of all furnaces within one system shall be considered as the incinerator capacity.

5.2.9 Incinerator burning may be conducted at times other than those specified in Section 5.2.3 as a condition of the permit to operate or as a limited operation with authorization from the Air Pollution Control Officer.

(51.9) 5.3 Incineration of Wood, Peanut, and Cotton Ginning Wastes

5.3.1 No person shall cause or permit to be emitted into the open air from any incinerator which incinerates wood, peanut, or cotton ginning wastes, particulate matter in the exhaust gases to exceed 0.40 pounds per 100 pounds of material charged.

5.3.2 Emission tests shall be conducted at a maximum burning capacity of the incinerator.

5.3.3 The burning capacity of an incinerator shall be the manufacturer's or designer's guaranteed maximum rate of such other rate as may be determined by the Air Pollution Control Officer in accordance with good engineering practices. In case of conflict, the determination made by the Air Pollution Control Officer shall govern.

5.3.4 Each incinerator subject to this Part shall be properly designed, equipped, and maintained for its maximum burning capacity, and shall be equipped with a temperature recorder which shall be operated continuously with the incinerator and the temperature records shall be made available for inspection at the request of the Air Pollution Control Officer, and shall either:

(a) be equipped with an underfire forced air system, which shall be electronically controlled to insure the optimum temperature range for the complete combustion of the amount and type of material waste being charged into the incinerator; and a variable damper or

(b) consist of an all metal shell with refractory lining, circular furnace, and a built-in cinder catching system for either reburning or other disposition; all primary combustion air shall be supplied under pressure through nozzle openings located around the periphery of the lower furnace; over-fire air shall be provided under pressure through ports which shall be directed downward and tangentially in the same direction as the primary air; cinder collection shall be accomplished by the provision of openings through the shell located above the furnace section.

(50.1) CHAPTER 6

CONTROL OF PARTICULATE EMISSIONS

(50.1.2) 6.1 Visible Emissions

6.1.1 Visible Emissions Restrictions for Stationary Sources

(a) No person shall discharge into the atmosphere from any single source of emission whatsoever any air contaminant of a shade or density darker than that designated as No. 1 on the Ringelmann Chart or 20 percent opacity.

(b) A person may discharge into the atmosphere from any single source of emission for a period or periods aggregating not more than three minutes in any 60 minutes contaminants of a shade of density not darker than that designated as No. 3 on the Ringelmann Chart or 60 percent opacity.

(c) The Air Pollution Control Officer may approve exceptions to this Section for specific sources which hold permits under Chapter 3; provided, however, such exceptions may be made for startup, shutdown, load change, and rate change or other short, intermittent periods of time upon terms approved by the Air Pollution Control Officer and made a part of such permit.

(d) The provisions of this Section shall not apply to combustion sources in single-family and duplex dwellings where such sources are used for heating or other domestic purposes.

6.1.2 Uncombined Water

Where the presence of uncombined water is the only reason for failure of an emission to meet the requirements of this Part, such sections shall not apply.

(50.1) 6.2 Fugitive Dust

6.2.1 No person shall cause, suffer, allow, or permit any materials to be handled, transported, or stored; or a building, its appurtenances, or road to be used, constructed, altered, repaired or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions shall include, but not limited to, the following:

(a) Use, where possible, of water or chemicals for control of dust in quarrying operation, the demolition of existing buildings or structures, construction operations, the grading of roads or the clearing of land;

(b) Application of asphalt, oil, water, or suitable chemicals on dirt roads, materials stock piles, and other surfaces which create airborne dusts;

(c) Installation and use of hoods, fans, and fabric filters (or other suitable control devices) to enclose and vent the handling of dusty materials. Adequate containment methods shall be employed during sandblasting or other similar operations.

6.2.2 Visible Emissions Restrictions Beyond Lot Line

No person shall cause or permit the discharge of visible fugitive dust emissions beyond the lot line of the property on which the emissions originate.

6.2.3 When dust, fumes, gases, mist, odorous matter, vapors, or any combination thereof escape from a building or equipment in such a manner and amount as to cause a nuisance or to violate any rule or regulation, the Air Pollution Control Officer may order that the building or equipment in which processing, handling and storage are done be tightly closed and ventilated in such a way that all air and gases and air or gas-borne material leaving the building or equipment are treated by removal or destruction of air contaminants before discharge to the open air.

(51.5) 6.3 Fuel Burning Equipment

6.3.1 No person shall cause or permit the emission of particulate matter from fuel-burning equipment in excess of the amount shown in Table 6-1 for the heat input allocated to such source. Interpolation of the data in Table 6-1 for heat input values between 10 million BTU/hr and 250 million BTU/hr shall be accomplished by the use of the equation:

$$E = 1.38H^{-0.44}$$

where: E = Emissions in lb/million BTU
H = Heat Input in millions of BTU/hr

6.3.2 For purposes of this Part, the total heat input from all similar fuel combustion units which discharge particulate matter through a common stack at a plant or premises shall be used for determining the maximum allowable emission of particulate matter.

TABLE 6-1

ALLOWABLE PARTICULATE MATTER EMISSION BASED ON HEAT INPUT

Heat Input (millions of BTU/hr)	Allowable Emission (lb/million BTU)
1.	.5
10.	.5
20.	.37
40.	.27
60.	.23
80.	.20
100.	.18
150.	.15
200.	.13
250.	.12
1,000,000.	.12

(50.1.1) 6.4 Process Industries - General

6.4.1 No person shall cause or permit the emission of particulate matter in any one hour from any source in excess of the amount shown in Table 6-2 for the process weight per hour allocated to such source. Interpolation of the data in Table 6-2 for the process weight per hour values up to 60,000 lbs/hr shall be accomplished by use of the equation:

$$E = 3.59P^{0.62} \qquad P \leq 30 \text{ tons/hr}$$

and interpolation and extrapolation of the data for process weight per hour values equal to or in excess of 60,000 lbs/hr shall be accomplished by use of the equation:

$$E = 17.31P^{0.16} \qquad P \geq 30 \text{ tons/hr}$$

where: E = Emissions in pounds per hour
P = Process weight per hour in tons per hour

6.4.2 Where the nature of any process or operation or the design of any equipment is such as to permit more than one interpretation of this Part, the interpretation that results in the minimum value for allowable emission shall apply.

6.4.3 For purposes of this Part, the total process weight for all similar process units at a plant or premises shall be used for determining the maximum allowable emission of particulate matter that passes through a stack or stacks.

TABLE 6-2

ALLOWABLE PARTICULATE MATTER EMISSION BASED ON PROCESS WEIGHT RATE

Process Weight Rate (lb/hr)	Allowable Emission Rate (lb/hr)
100	0.56
500	1.52
1,000	2.34
5,000	6.33
10,000	9.76
20,000	14.97
60,000	29.83
80,000	31.23
120,000	33.33
160,000	34.90
200,000	36.17
1,000,000	46.79

(51.21) 6.5 Small Foundry Cupola

6.5.1 No person shall cause or permit the emission of particulate matter in any one hour from any small foundry cupola source in excess of the amount shown in Table 6-3 for the process weight per hour allocated to such source.

6.5.2 Where the nature of any process or operation or the design of any equipment is such as to permit more than one interpretation of this Part, the interpretation that results in the minimum value for allowable emission shall apply.

6.5.3 For purposes of this Part, the total process weight from all similar process units at a plant or premises shall be used for determining the maximum allowable emission of particulate matter that passes through a stack or stacks.

6.5.4 Foundry cupolas with a process weight rate greater than 50,000 pounds per hour shall be subject to the rules and regulations of Section 6.4.

TABLE 6-3

ALLOWABLE PARTICULATE MATTER EMISSION BASED ON PROCESS WEIGHT RATE FOR SMALL FOUNDRY CUPOLAS

Process Weight (lb/hr)	Allowable Emission Rate (lb/hr)
1,000	3.05
2,000	4.70
3,000	6.35
4,000	8.00
5,000	9.58
6,000	11.30
7,000	12.90
8,000	14.30
9,000	15.50
10,000	16.65
12,000	18.70
16,000	21.60
18,000	23.40
20,000	25.10
30,000	31.30
40,000	37.00
50,000	42.40

(51.1) 6.6 Cotton Gins

6.6.1 No person shall cause or permit the emission of particulate matter in any one hour from any cotton gin operation in excess of the amount shown in Table 6-4 for the process weight per hour allocated to such operation. Particulate matter emissions subject to this Part include process emissions and incinerator emissions if any; provided, however, that this shall in no way relieve or affect the application of Chapter 5 to open burning and incineration at cotton gin operations.

6.6.2 Where the nature of any process or operation or the design of any equipment is such as to permit more than one interpretation of this Part, the interpretation that results in the minimum value for allowable emission shall apply.

6.6.3 For purposes of this Part, the total process weight from all similar process units at a plant or premises shall be used for determining the maximum allowable emission of particulate matter that passes through a stack or stacks.

TABLE 6-4

ALLOWABLE PARTICULATE MATTER EMISSION BASED ON PROCESS WEIGHT RATE FOR COTTON GINS

Process Weight Rate (lb/hr)	Allowable Emission Rate (lb/hr)	Process Weight Rate (lb/hr)	Allowable Emission Rate (lb/hr)
1,000	1.6	9,000	13.7
1,500	2.4	10,000	15.2
2,000	3.1	12,000	18.2
2,500	3.9	14,000	21.2
3,000	4.7	16,000	24.2
3,500	5.4	18,000	27.2
4,000	6.2	20,000	30.1
5,000	7.7	30,000	44.9
6,000	9.2	40,000	59.7
7,000	10.7	50,000	64.0
8,000	12.2	60,000 or more	67.4

(50.6) 6.7 Regulation of Odors in the Ambient Air

6.7.1 An odor will be deemed "objectionable" when it causes, or is capable of causing, intermittently or continuously unpleasant or offensive stimuli to the sense of smell of persons of ordinary sensibilities, when located beyond the property line of the premises upon which the source is located.

6.7.2 No person shall create, cause, establish, or allow, any new emission source which causes "objectionable" odor as defined herein, beyond the property line upon which the emission source is located.

6.7.3 No emission source existing on the effective date of these regulations shall be deemed to violate this provision, and no new emission source shall be deemed to violate this provision if the emissions from same are diluted with odor-free air in such a way as to prevent it from being "objectionable" as defined herein at all points beyond the property line of the emission source.

(51.14) 6.8 Kraft Pulp Mills

6.8.1 Applicability

This Part applies to manufacturing facilities for the pulping of wood and the preparation and recovery of associated chemicals by the kraft process, including combined recovery systems serving other processes such as neutral sulfite pulping.

6.8.2 No person shall cause or permit the emission of particulate matter from any kraft pulp mill in excess of the amounts provided as follows:

(a) From all recovery furnaces, not more than 4.0 pounds per ton of pulp.

(b) From all smelt dissolver vents, not more than 0.5 pounds per ton.

(c) From all lime kilns, not more than 1.0 pounds per ton of pulp.

6.8.3 The pulp production rates for kraft mills referred to in this Part shall be tons of unbleached air-dried kraft pulp.

6.8.4 Notwithstanding the specific limits set forth in this Part, in order to maintain the lowest possible emission of air contaminants, the highest and best practicable treatment and control for particulate matter currently available shall be provided for new kraft pulp mills.

(51.20) 6.9 Wood Waste Boilers

6.9.1 Applicability

This Part applies to boilers and other indirect heat exchangers using not less than 30% wood wastes or wood by-products as fuel measured by heat input.

6.9.2 No person shall cause or permit the emission of particulate matter from any existing wood waste boilers in excess of 0.30 grains per standard dry cubic foot adjusted to 50% excess air. Provided that: for any existing wood waste boiler which must be modified in order to meet the emission limitations of this Part, no person shall cause or permit the emission of particulates in excess of:

(a) 0.17 grains per standard dry cubic foot, adjusted to 50% excess air, for combination gas and wood waste boilers.

(b) 0.20 grains per standard dry cubic foot, adjusted to 50% excess air, for combination oil and wood waste boilers.

(c) 0.23 grains per standard dry cubic foot, adjusted to 50% excess air for combination coal and wood waste boilers.

(d) 0.20 grains per standard dry cubic foot, adjusted to 50%

excess air, for boilers using woods wastes only.

(51.2) 6.10 Coke Ovens

6.10.1 Applicability

The provisions of this Part shall apply to all coke ovens. Each coke oven shall be considered as an individual oven.

6.10.2 Unloading

Every person operating coke ovens shall apply all reasonable measures to prevent dust emissions from coal unloading and storage.

6.10.3 Charging

No person shall cause or permit charging of coal or other solid material to a coke oven that will result in an emission of air contaminants of an opacity greater than 40 percent or No. 2 on the Ringelmann Chart, other than that caused by uncombined water, for more than 5 minutes per coking cycle.

6.10.4 Coking

(a) Every person operating coke ovens shall maintain the coke oven equipment in good condition and exercise good operating practice to minimize emissions during coke production operations.

(b) No person shall cause or permit the emissions of air contaminants from a coke oven during coking of an opacity equal to or greater than 40 percent or No. 2 on the Ringelmann Chart, other than that caused by uncombined water.

(c) All coke oven doors shall be operated by properly cleaning and resealing the doors after their respective ovens are pushed so as to minimize emissions.

(d) Every person operating coke ovens shall build and maintain on the plant premises a facility to maintain and promptly and efficiently repair coke oven doors, and shall maintain an inventory of coke oven doors of not less than one door per twelve coke ovens operated.

6.10.5 Pushing

No person shall cause or permit pushing of coke from which will result an emission of air contaminants of an opacity greater than 40 percent or No. 2 on the Ringelmann Chart, other than that caused by uncombined water, for more than one (1) minute per coking cycle.

6.10.6 Quenching

No person shall operate a coke oven plant without baffles installed and operating in the quench towers. Water used for quenching must be clear water of a quality approved by the Air Pollution Control Officer and no water used for quenching may be contaminated. Quenching operations using a closed recycling system must use clear water, of a quality approved by the Air Pollution Control Officer, for makeup.

6.10.7 The provisions of this Part apply to all existing coke ovens. It is recognized that these regulations are imperfect in controlling emissions from coke ovens, although they can contribute to significant lowering of air pollution. It is expected that, as the state-of-the-art in coke oven control technology develops, more stringent emission limitations will be prescribed. Many of Alabama's coke ovens have been operated since the turn of the century and, in many cases, the age and condition of the existing coke ovens preclude the installation of the state-of-the-art control devices. These older ovens should be retired from service as soon as economically possible.

(50.2)

CHAPTER 7

CONTROL OF SULFUR COMPOUND EMISSIONS

(51.6) 7.1 Fuel Combustion

7.1.1 No person shall cause or permit the operation of a fuel burning installation in such a manner that sulfur oxides, measured as sulfur dioxide, are emitted in excess of 1.2 pounds per million BTU heat input.

7.1.2 For purposes of this Part, the total heat input from all similar fuel combustion units at a plant or premises shall be used for determining the maximum allowable emission of sulfur dioxide that passes through a stack or stacks.

7.1.3 No person shall cause or permit the emission or combustion of any refinery process gas stream or any other process gas stream that contains H_2S in concentrations greater than 150 ppm without removal of the hydrogen sulfide in excess of this concentration.

(51.18) 7.2 Sulfuric Acid Plants

No person shall cause or permit sulfur dioxide tail gas emissions from sulfuric acid manufacturing plants to exceed 6.5 lb/ton of 100 percent sulfuric acid produced. The tail gas acid mist emissions are not to exceed 0.5 lb/ton of sulfuric acid produced and the sulfur trioxide emissions are not to exceed 0.2 lb/ton of sulfuric acid produced.

(51.19) 7.3 Sulfur Recovery Plants

7.3.1 No person shall cause or permit the sulfur oxide emission from any existing sulfur recovery plant recovering sulfur from natural gas to exceed 0.16 pounds per pound of sulfur processed.

7.3.2 Except as provided by Section 7.3.1, no person shall cause or permit the sulfur oxide emission from a sulfur recovery plant to exceed 0.08 pounds per pound of sulfur processed.

(51.14) 7.4 Kraft Pulp Mills

7.4.1 Applicability

This part applies to manufacturing facilities for the pulping of wood and the preparation and recovery of associated chemicals by the kraft process, including combined recovery systems serving other processes such as neutral sulfite pulping.

7.4.2 No person shall cause or permit the emissions of total reduced sulfur (TRS) from recovery furnaces, lime kilns, digestors, and multiple effect evaporators to exceed 1.2 pounds (expressed as hyrdogen sulfide on a dry gas basis) per ton of air-dried pulp from kraft pulp mills.

7.4.3 The pulp production rates for kraft pulp mills referred to in this part shall be calculated as provided in paragraph 6.8.3.

7.4.4 Notwithstanding the specific limits set forth in this Part, in order to maintain the lowest possible emission of air contaminants, the highest and best practicable treatment and control for TRS currently available shall be provided for new kraft pulp mills.

(50.4)

CHAPTER 8

CONTROL OF HYDROCARBON EMISSIONS

(51.16) 8.1 Storage of Volatile Organic Materials

8.1.1 No person shall place, store, or hold in any stationary tank reservoir or other container of more than 60,000 gallons capacity any volatile organic compounds unless such tank, reservoir, or other container is a pressure tank capable of maintaining working pressures sufficient at all times to prevent vapor or gas loss to the atmosphere or is designed, and equipped with one of the following vapor loss control devices:

(a) A floating roof, consisting of a pontoon type, double deck type roof or internal floating cover, which will rest on the surface of the liquid contents and be equipped with a closure seal or seals to close the space between the roof edge and tank wall. This control equipment shall not be permitted if the volatile organic compounds have a vapor pressure of 11.0 pounds per square inch absolute (568 mm Hg) or greater under actual storage conditions. All tank gauging or sampling devices shall be gas-tight except when tank gauging or sampling is taking place.

(b) A vapor recovery system, consisting of a vapor gathering system capable of collecting the volatile organic compound vapors and gases discharged and a vapor disposal system capable of processing such volatile organic vapors and gases so as to prevent their emission to the atmosphere and with all tank gauging and sampling devices gas-tight except when gauging or sampling is taking place.

(c) Other equipment or means of equal efficiency for purposes of air pollution control as may be approved by the Air Pollution Control Officer.

(d) No person shall place, store or hold in any new stationary storage vessel more than 1000-gallon capacity any volatile organic compound unless such vessel is equipped with a permanent submerged fill pipe or is a pressure tank as described in paragraph (a) above, or is fitted with a system as described in paragraph (b) above. Existing stationary storage vessels shall employ portable submerged fill pipes or be equipped with permanent submerged fill pipes.

8.1.2 This Part shall not apply to crude petroleum produced, separated, treated or stored in the field.

(51.16) 8.2 Volatile Organic Materials Loading Facilities

8.2.1 No person shall load any volatile organic compounds into any tank, truck, or trailer from any terminal or bulk storage facility handling more than 50,000 gallons per day unless such terminal or facility is equipped with a vapor collection and disposal system, or its equivalent, properly installed, in good working order, or has in operation a loading system which will result in a 95 percent submerged fill either with a submerged fill pipe or by loading from the bottom.

8.2.2 No person shall load any volatile organic compounds into any tank, truck, or trailer having a capacity in excess of 200 gallons, unless such loading facility is equipped as set forth in paragraph 8.2.1. Where the vapor collection and disposal system is utilized, the loading arm shall be equipped with a vapor collection adaptor, pneumatic, hydraulic, or other mechanical means which will provide a vapor-tight seal between the adaptor and the hatch. A means shall be provided to prevent liquid organic compounds drainage from the loading device when it is removed from the hatch of any tank, truck or trailer. When loading is effected through means other than the hatches, all loading lines shall be equipped with fittings which make vapor-tight connections and which close automatically when disconnected.

8.2.3 This Part shall not apply to crude petroleum, produced, separated, treated or stored in the field.

(51.16) 8.3 Volatile Organic Compound Water Separator

8.3.1 No person shall use any compartment of any single or multiple compartment volatile organic compound water separation which receives effluent water containing 1,000 gallons a day or more of any volatile organic compound from processing, refining, treating, storing, or handling volatile oraganic compounds unless such compartment is equipped with one of the following vapor loss control devices, properly installed, in good working order, and in operation.

(a) A container having all openings sealed and totally enclosing the liquid contents. All gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.

(b) A container equipped with a floating roof, consisting of a pontoon type, double deck type roof, or internal floating cover, which will rest on the surface of the contents and be equipped with a closure seal or seals to close the space between the roof edge and container wall. All gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.

(c) A container equipped with a vapor recovery system consisting of a vapor gathering system capable of collecting the hydrocarbon vapors and gases discharged and a vapor disposal system capable of processing such hydrocarbon vapors and gases so as to prevent their emission to the atmosphere and with all container gauging and sampling devices gas-tight except when gauging or sampling is taking place.

(d) A container having other equipment of equal efficiency for purposes of air pollution control as may be approved by the Air Pollution Control Officer.

(51.16) 8.4 Pumps and Compressors

All new pumps and compressors handling volatile organic compounds shall have mechanical seals or other equipment of equal efficiency for purposes of air pollution control as may be approved by the Air Pollution Control Officer.

(51.21) 8.5 Waste Gas Disposal

8.5.1 No person shall emit a waste gas stream from any ethylene producing plant into the atmosphere unless the waste gas stream is properly burned at 1,300°F for 0.3 seconds or greater in a direct-flame afterburner equipped with an indicating pyrometer which is positioned in the working area at the operator's eye level or an equally effective catalytic vapor incinerator also with pyrometer.

(50.4) 8.6 Organic Solvents

8.6.1 A person shall not discharge into the atmosphere more than 15 pounds of organic materials in any one day, nor more than 3 pounds in any one hour, from any article, machine, equipment or other contrivance in which any organic solvent or any material containing organic solvent comes into contact with flame or is baked, heat-cured or heat-polymerized, in the presence of oxygen, unless said discharge has been reduced by at least 85 percent. Those portions of any series of articles, machines, equipment or other contrivances designed for processing a continuous web, strip or wire which emit organic materials and using operations described in this section shall be collectively subject to compliance with this section.

8.6.2 A person shall not discharge into the atmosphere more than 40 pounds of organic materials in any one day, nor more than 8 pounds in any one hour, from any article, machine, equipment, or other contrivance used under conditions other than described in Section 8.6.1 for employing, or applying any photochemically reactive solvent, as defined in Section 8.6.9, or material containing such photochemically reactive solvent, unless said discharge has been reduced by at least 85 percent. Emissions of organic materials into the atmosphere resulting from air or heated drying of products for the first 12 hours after their removal from any article, machine, equipment, or other contrivance described in this section shall be included in determining compliance with this section. Emissions resulting from baking, heat-curing, or heat-polymerizing as described in Section 8.6.1 shall be excluded from determination of compliance with this section. Those portions of any series of articles, machines equipment or other contrivances designed for processing a continuous web, strip, or wire which emit organic materials and using operations described in this section shall be collectively subject to compliance with this section.

8.6.3 Emissions of organic materials to the atmosphere from the cleanup with photochemically reactive solvents, as defined in Section 8.6.2 of any article, machine, equipment or other contrivance described in Sections 8.6.1 or 8.6.2, shall be included with the other emissions of organic materials from that article, machines, equipment, or other contrivance for determining compliance with this rule.

8.6.4 Emissions of organic materials into the atmosphere required to be controlled by Sections 8.6.1 and 8.6.2, shall be reduced by:

(a) Incineration, provided that 90 percent or more of the carbon in the organic material being incinerated is oxidized to carbon dioxide, or

(b) Adsorption, or

(c) Processing in a manner determined by the Air Pollution Control Officer to be not less effective than paragraphs (a) or (b) above.

8.6.5 A person incinerating, adsorbing, or otherwise processing organic materials pursuant to this Part shall provide, properly install, and maintain in calibration, in good working order and in operation, devices as specified in the permit to construct or the permit to operate, or as specified by the Air Pollution Control Officer, for indicating temperatures, pressures rates of flow, or other operating conditions necessary to determine the degree and effectiveness of air pollution control.

8.6.6 Any person using organic solvents or any materials containing organic solvents shall supply the Air Pollution Control Officer, upon request and in the manner and form prescribed by him, written evidence of the chemical composition, physical properties, and amount consumed for each organic solvent used.

8.6.7 The provisions of this Part shall not apply to:

(a) The manufacture of organic solvents, or the transport or storage of organic solvents or materials containing organic solvents.

(b) Paint spray booth installations.

(c) The employment, application, evaporation or drying of saturated halogenated hydrocarbons or organic compounds in which all olefinic groups contain 3 or more halogen atoms.

(d) The use of any material in any article, machine or equipment described in Sections 8.6.1, 8.6.2, or 8.6.3, if:

  (1) The volatile content of such material consists only of water and organic solvents, and

  (2) The organic solvents comprise not more than 20 percent of said volatile content, and

  (3) The volatile content is not photochemically reactive as defined in Section 8.6.9.

(e) Coatings applied to permanently located structures or surfaces.

8.6.8 For the purposes of this Part, organic solvents include diluents and thinners and are defined as organic materials which are liquids at standard conditions and which are used as dissolvers, viscosity reducers, or cleaning agents.

8.6.9 For the purposes of this Part, a photochemically reactive solvent is any solvent with an aggregate of more than 20 percent of its total volume composed of the chemical compounds classified below or which exceeds any of the following individual percentage composition limitations, referred to the total volume of solvent:

(a) A combination of hydrocarbons, alcohols, adehydes, esters, ethers, or ketones having an olefinic or cyclo-olefinic type of unsaturation: 5 percent;

(b) A combination of aromatic compounds with eight or more carbon atoms to the molecule except ethylbenzene: 8 percent.

(c) A combination of ethylbenzene, ketones having branched hydrocarbon structures, or toluene: 20 percent.

Whenever any organic solvent or any constituent of an organic solvent may be classified from its chemical structure into more than one of the above groups of organic compounds, it shall be considered as a member of the most reactive chemical group, that is, that group having the least allowable percent of the total volume of solvents.

8.6.10 For the purposes of this Part, organic materials are defined as chemical compounds of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonates, and ammonium carbonate.

(51.21) 8.7 Disposal and Evaporation of Solvents

A person shall not, during any one day, dispose of a total of more than 1.5 gallons of any photochemically reactive solvent, as defined in Section 8.6.9, or of any material containing more than 1.5 gallons of any such photochemically reactive solvent by any means which will permit the evaporation of such solvent into the atmosphere.

8.8 The provisions of this Chapter (8) shall apply to all new tanks, reservoirs, other containers, storage vessels, terminals, bulk storage facilities, loading facilities, and volatile organic compound water separators, and other sources which are constructed, or otherwise come into being, after the date of initial adoption of this Chapter, without regard to their location.

(50.5)

CHAPTER 9

CONTROL OF CARBON MONOXIDE EMISSIONS

9.1 No person shall emit the carbon monoxide gases generated during the operation of a grey iron cupola, blast furnace, or basic oxygen steel furnace unless they are burned at 1300°F for 0.3 seconds or greater in a direct flame afterburner or equivalent device equipped with an indicating pyrometer which is positioned in the working area at the operator's eye level.

9.2 No person shall emit carbon monoxide waste gas stream from any catalyst regeneration of a petroleum cracking system, petroleum fluid coker, or other petroleum process into the atmosphere, unless the waste gas stream is burned at 1300°F for 0.3 seconds or greater in a direct-flame afterburner or boiler equipped with an indicating pyrometer which is positioned in the working area at the operator's eye level.

(50.3)

CHAPTER 10

CONTROL OF NITROGEN OXIDES EMISSIONS

(51.7) 10.1 New Combustion Sources

10.1.1 No person shall cause or permit emissions of nitrogen oxides from a new gas-fired boiler with a capacity of 250 million BTU/hr or more in excess of 0.20 pounds per million BTU of heat input per hour.

10.1.2 No person shall cause or permit emissions of nitrogen oxides from a new oil-fired boiler with a capacity of 250 million BTU/hr or more in excess of 0.30 pounds per million BTU of heat input per hour.

10.1.3 No person shall cause or permit emission of nitrogen oxides from a new coal-fired boiler with a capacity of 250 million BTU per hour or more in excess of 0.7 pounds per million BTU of heat input per hour.

10.1.4 For purposes of this Part, the total heat input from all similar fuel combustion units at a plant or premises shall be used for determining the maximum allowable emission of nitrogen oxides that passes through a stack or stacks.

(51.10) 10.2 Nitric Acid Manufacturing

No person shall cause or permit the emission of nitrogen oxides calculated as nitrogen dioxide, from nitric acid manufacturing plants in excess of 5.5 pounds per ton of 100 percent acid produced.

(12.0)

CHAPTER 11

CONTROL OF EMISSIONS FROM MOTOR VEHICLES

(12.0)
(50.1.2)

11.1 Visible Emission Restrictions for Motor Vehicles

11.1.1 No persons shall cause or permit the emission of visible air contaminants from gasoline-powered motor vehicles, operated upon any street, highway, or other public place, for longer than 5 consecutive seconds.

11.1.2 No person shall cause or permit the emission of visible air contaminants from diesel-powered motor vehicles and other movable sources, of a shade or density greater than 20 percent opacity for longer than 5 consecutive seconds.

11.1.3 Uncombined Water

Where the presence of uncombined water is the only reason for failure of an emission to meet the requirements of this Part, such section shall not apply.

(12.0)

11.2 Ignition System and Engine Speed

All 1968 and subsequent model year gasoline powered motor vehicles shall be maintained so as to be in compliance with the following requirements.

11.2.1 The number of revolutions per minute of an engine while operating at idle speed shall be in accordance with the specifications and determined under conditions published by the manufacturer, but in no case shall the idle speed be less than the minimum specified in such published specifications. Revolutions per minute shall be tested for accuracy and precision at reasonable intervals.

11.2.2 Ignition timing of an engine shall comply with the published specifications of the manufacturer as determined in accordance with procedures and conditions specified by the manufacturer.

11.2.3 All cylinders shall be firing.

(12.0)

11.3 Crankcase Ventilation Systems

The positive crankcase ventilation system on all 1968 and subsequent model year gasoline powered motor vehicles, except motorcycles and motor tricycles, and all 1969 and subsequent model year gasoline powered motor vehicles, including motorcycles and motor tricycles, shall meet the following requirements:

11.3.1 The plumbing and connections shall be properly connected as installed by the manufacturer and free of obstructions and leakage.

11.3.2 There shall be a negative pressure (suction) at the inlet of the crankcase ventilation valve.

11.3.3 The crankcase ventilation valve shall be freely operative so as to regulate the flow of gases through the system.

(12.0) 11.4 Exhaust Emission Control Systems

11.4.1 Air Injection System

Exhaust emission control air injection systems on those gasoline powered motor vehicles so equipped by the manufacturer shall operate so that:

(a) The air delivery hoses, connections, and air distribution manifold shall be properly connected as installed by the manufacturer and free of obstructions and leakage.

(b) The air compressor drive belt tension shall be within manufacturer's specifications.

(c) There is a positive air flow from the air pump to the air delivery distribution manifold.

(d) The check valve prevents any reverse air flow from the air distribution manifold out through the check valve inlet.

(e) The anti-backfire valve, gulp-valve, air bypass valve, or other similar device with the same function permits the passage of air from the air pump to the exhaust manifold or manifolds, except when the carburetor throttle is closed rapidly from an open position as in deceleration.

11.4.2 Engine Modification Systems

All vacuum control valves, vacuum lines, mechanical linkage, electrical circuits and switches peculiar to certain engine modification systems shall be properly connected as installed on all 1968 and subsequent model year gasoline powered motor vehicles so equipped by the manufacturer.

11.4.3 Other Exhaust Emission Control Systems

Any other exhaust emission control system, other than air injection or engine modification, which is installed or incorporated in a motor vehicle in compliance with Federal motor vehicle pollution control regulations shall be maintained in good operable conditions as specified by the manufacturer and shall be used at all times that the motor vehicle is operated.

11.4.4 The requirements of this Part shall apply to all gasoline powered motor vehicles with the following exceptions:

(a) Vehicles of 1967 or earlier model year.

(b) Vehicles not equipped by the manufacturer with exhaust emission control air injection systems.

(c) Motor vehicles with an engine displacement of less than 50 cubic inches (819.35 cubic centimeters).

(12.0) 11.5 Evaporative Loss Control Systems

The evaporative loss control systems or devices designed and installed on 1972 and subsequent model year gasoline powered motor vehicles shall be maintained in an operable condition such that the system or device continues to reduce or prevent the emission to the atmosphere of the vapors of the hydrocarbon fuel contained in the fuel tank, carburetor, and/or fuel pump of the motor vehicle.

(2.0) 11.6 Other Prohibited Acts

In addition to the other strictures contained in this Chapter, no person shall cause, suffer, allow, or permit the removal, disconnection, and/or disabling of a positive crankcase ventilator, exhaust emission control system, or evaporative loss control system which has been installed on a motor vehicle, nor shall any person defeat the design purpose of any such motor vehicle pollution control device by installing therein or thereto any part or component which is not a comparable replacement part or component of the device. Provided that:

11.6.1 The components or parts of emission control systems on motor vehicles may be disassembled or reassembled for the purpose of repair and maintenance in proper working order.

11.6.2 Components and parts of emission control systems may be removed and replaced with like components and parts intended by the manufacturer for such replacement.

11.6.3 The provisions of this Part shall not apply to salvage operations on wrecked motor vehicles when the engine is so damaged that it will not be used again for the purpose of powering a motor vehicle on a highway.

(2.0) 11.7 Effective Date

The provisions of this Chapter shall become effective immediately upon their adoption and promulgation.

JEFFERSON COUNTY BOARD OF HEALTH

AIR POLLUTION CONTROL RULES AND REGULATIONS

(2.0)

CHAPTER 1

GENERAL PROVISIONS

(2.0) 1.1 Declaration of Policy and Purpose

1.1.1 It is hereby declared to be the public policy of the Jefferson County Board of Health and the purpose of these regulations to achieve and maintain such levels of air quality as will protect human health and safety, and to the greatest degree practicable, prevent injury to plant and animal life and property, foster the comfort and convenience of the people, promote the social development of Jefferson County and facilitate the enjoyment of the natural attractions of this County.

1.1.2 To these ends it is the purpose of these regulations to provide for a coordinated program of air pollution prevention, abatement and control in Jefferson County; to facilitate cooperation with the Alabama Air Pollution Control Commission and its technical staff; and to provide a framework consistent with Act 769, Alabama Legislature, Regular Session 1971, within which all values may be balanced in the public interest.

(2.0) 1.2 Structure and Numbering of Rules and Regulations

1.2.1 Title and Scope

The provisions contained in these rules and regulations shall be known and may be cited as the Jefferson County Air Pollution Control Rules and Regulations, and shall apply to all activities and all persons in Jefferson County, Alabama, including Federal activities.

1.2.2 Chapters

The normal division of these rules and regulations are chapters, which should encompass a broad subject matter. Chapters are numbered consecutively in Arabic throughout the rules and regulations.

1.2.3 Parts

The normal division of chapters are parts. A part should be devoted to a specific subject matter within a chapter. Parts are numbered consecutively in Arabic throughout each chapter and shall include the number of the chapter set off by a decimal point. Thus, the part number for part 15 within Chapter 3 is 3.15.

1.2.4 Sections

The normal divisions of parts are sections. The section is the basic unit of these rules and regulations. Sections are numbered consecutively in Arabic throughout each part and shall include the numbers of the part set off by a decimal point. Thus, the section number for Section 26 of Part 3.15 is 3.15.26.

1.2.5 Internal Division of Sections

Whenever internal divisions are necessary, sections shall be subdivided into paragraphs, paragraphs into subparagraphs, and subparagraphs into subdivisions, designated as follows:

Terminology:	Illustrative Symbol:
Paragraph	(a)
Subparagraph	(1)
Subdivision	(i)

1.2.6 Promulgation Procedure

All requirements and provisions subject to inclusion in these rules and regulations shall be drafted as amendments to the Jefferson County Air Pollution Control Rules and Regulations and prepared in accordance with the provisions of this part and with, insofar as it applies and does not conflict with this part, the provisions of Part 17 or Title 1 of the Code of Federal Regulations, as the same may be amended or revised.

(1.0) 1.3 Definitions

As used in these rules and regulations, terms shall have the meanings ascribed in this part.

"Act" shall mean the Alabama Air Pollution Control Act of 1971, Act No. 769, Regular Session, 1971.

"Air Contaminant" shall mean any solid, liquid, or gaseous matter, any odor, or any combination thereof, from whatever source.

"Air Pollution" shall mean the presence in the outdoor atmosphere of one or more air contaminants in such quantities and duration as are, or tend to be, injurious to human health or welfare, animal or plant life, or property, or would interfere with the enjoyment of life or property throughout the County and in such territories of the County as shall be affected thereby.

"Air Pollution Emergency" shall mean a situation in which meteorological conditions and/or contaminant levels in the ambient air reach or exceed the levels which may cause imminent and substantial endangerment to health.

"Board" shall mean the Jefferson County Board of Health.

"Chairman" shall mean the Chairman of the Jefferson County Board of Health.

"Commenced" shall mean that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a binding agreement or contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

"Commission" shall mean the "Air Pollution Control Commission of the State of Alabama established by the Act.

"Construction" shall mean fabrication, erection, or installation of an affected facility.

"Control" shall mean any device which has the function of controlling the emissions from a process, fuel-burning, or refuse-burning device and thus reduces the creation of, or the emission of, air contaminants into the atmosphere, or both.

"Control Regulation" shall mean a legally enforceable emission control strategy.

"Control Strategy" shall mean a collection of various emission standards selected for the different categories of sources.

"County" shall mean Jefferson County, Alabama.

"Director" shall mean the Director of the Bureau of Environmental Health of the Jefferson County Department of Health, or in his absence, the Assistant Director of the Bureau of Environmental Health.

"Effluent Water Separator" shall mean any tank, box, sump, or other container in which any volatile organic compound floating on or entrained or contained in water entering such tank, box, sump, or other container is physically separated and removed from such water prior to outfall, drainage, or recovery of such water.

"Emission" shall mean a release into the outdoor atmosphere of air contaminants.

"Existing Source" shall mean any source in operation or on which construction has commenced on the date of initial adoption of an applicable rule or regulation; except that any existing source which has undergone modification after the date of initial adoption of an applicable rule or regulation, shall be reclassified and considered a new source.

"Federal Act" shall mean the Clean Air Act (42 U.S.C. 1857 et seq.) as last amended, and as may hereafter be amended.

"Fuel-Burning Equipment" shall mean any equipment, device, or contrivance and all appurtenances thereto, including ducts, breechings, fuel-feeding equipment, ash removal equipment, combustion controls, stacks and chimney, used primarily, but not exclusively, to burn any fuel for the purpose of indirect heating in which the material being heated is not contacted by and adds no substance to the products of combustion.

"Fugitive Dust" shall mean solid air-borne particulate matter emitted from any source other than a flue or stack.

"Health Officer" shall mean the Health Officer of the Jefferson County Department of Health or his designee.

"Heat Available" shall mean the aggregate heat content of all fuels whose products of combustion pass through a stack or stacks.

"Incinerator" shall mean any equipment, device or contrivance and all appurtenances thereof used for the destruction by burning of solid, semi-solid, liquid, or gaseous combustible wastes.

"Maximum Process Weight Per Hour" shall mean the equipment manufacturer's or designer's guaranteed maximum (whichever is greater) process weight per hour.

"Model Year" shall mean the annual production period of new motor vehicles designated by the calendar year in which such period ends, provided that if the manufacturer does not so designate vehicles manufactured by him, the model year with respect to such vehicles shall mean the twelve month period beginning January 1 of the year specified herein.

"Modification" shall mean any physical change in, or change in the method of operation of, an affected source which increases the amount of any air contaminant (to which a rule or regulation applies) emitted by such source or which results in the emission of any air contaminant (to which a rule or regulation applies) not previously emitted, except that:

- (a) Routine maintenance, repair, and replacement shall not be considered physical changes, and
- (b) The following shall not be considered a change in the method of operation:
  - (1) An increase in the production rate;
  - (2) An increase in hours of operation;
  - (3) Use of an alternative fuel or raw material

"Motor Vehicle" shall mean every self-propelled device in or upon or by which, any person or property is, or may be transported or drawn upon a public highway.

"New Source" shall mean any source built or installed on or after the date of initial adoption of an applicable rule or regulation and any source existing at said stated time which later undergoes modification. Any source moved to another premise involving a change of location after the date of initial adoption of an applicable rule or regulation shall be considered a new source.

"Odor" shall mean smells or aromas which are unpleasant to persons, or which tend to lessen human food and water intake, interfere with sleep, upset appetite, produce irritation of the upper respiratory tract, or cause symptoms of nausea, or which by their inherent chemical or physical nature, or method of processing, are, or may be detrimental or dangerous to health. Odor and smell are used interchangeably herein.

"Opacity" shall mean the obscuration to an observer's view produced by smoke of any color that is equivalent to an obscuration by smoke of a shade specified in the Ringelmann Smoke Chart published by the United States Bureau of Mines.

"Open Burning" shall mean the burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the ambient air without passing through an adequate stack, duct, or chimney.

"Operating time" shall mean the number of hours per year that a source conducts operations.

"Owner or Operator" shall mean any person who owns, leases, operates, controls, or supervises an affected facility, article, machine, equipment, or other contrivance, or source.

"Particulate Matter" shall mean finely divided material, except uncombined water which is a liquid or solid at standard conditions of temperature at 70°F and pressure at 14.7 pounds per square inch absolute.

"Person" means the State, any individual partnership, firm, association, municipality, public or private corporation or institution, political subdivision or agency of the State, including any Environmental Improvement Authority established pursuant to Act Number 1117, Regular Session of 1969 (General Acts 1969, p. 2060), any trust, estate, or any other legal entity and any successor, representative, agent, or agency of the foregoing, the United States or any department, agency or instrumentality of the executive, legislative or judicial branches of the Federal Government.

"Process" shall mean any action, operation, or treatment of materials, including handling and storage thereof, which may cause discharge of an air contaminant, or contaminants, into the atmosphere, but excluding fuel burning and refuse burning.

"Process Weight Per Hour" shall mean the total weight of all materials introduced into any specific process that may cause any discharge of particulate matter. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. For a cyclical or batch operation, the process weight per hour will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle. For a continuous operation, the process weight per hour will be derived by dividing the process weight for a typical period of time by that time period.

"Refuse" shall mean matter consisting of garbage, rubbish, ashes, street debris, dead animals, abandoned vehicles, industrial wastes, demolition wastes, construction wastes, special wastes, or sewage treatment residue.

"Ringelmann Chart" shall mean the chart published and described in U.S. Bureau of Mines Information Circular 8333.

"Smoke" shall mean gas-borne particles resulting from incomplete combustion, consisting predominantly, but not exclusively, of carbon, ashes, or other combustible material.

"Soiling Index" shall mean a measure of the soiling properties of suspended particles in air determined by drawing a measured volume of air through a known area of Whatman No. 4 filter paper for a measured period of time, expressed as COHs/1,000 linear feet.

"Source" shall mean any building, structure, facility, installation, article, machine, equipment, device, or other contrivance which emits or may emit any air contaminant. Any activity which utilizes abrasives or chemcials for cleaning or any other purpose (such as cleaning the exterior of buildings) which emits air contaminants shall be considered a source.

"Stack or ducts" shall mean any flue duct, or other contrivance arranged to conduct emission to the open air.

"Startup" shall mean the setting in operation of an affected source for any purpose.

"State" shall mean the state of Alabama.

"Submerged Fill Pipe" shall mean any fill pipe, the discharge opening of which is entirely submerged when the liquid level is 6 inches above the bottom of the tank; or when applied to a tank which is loaded from the side, shall mean any fill pipe, the discharge opening of which is entirely submerged when the liquid level is two times the fill pipe diameter, in inches, above the bottom of the tank.

"Total Reduced Sulfur (TRS)" shall mean hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide, and any other organic sulfides present.

"Uncombined Water" shall mean any water droplets or water vapor condensate that does not contain any other solid or liquid particulate matter attached to the water droplets.

"Volatile Organic Compounds" shall mean any compound containing carbon and hydrogen or containing carbon and hydrogen in combination with any other element which has a vapor pressure of 1.5 pounds per square inch absolute or greater under actual storage conditions.

(2.0) 1.4 Air Pollution Control Program

There is hereby created within the Bureau of Environmental Health of the Jefferson County Department of Health an Air Pollution Control Program. The Director of the Bureau of Environmental Health shall administer these regulations and the program under the direction of the Health Officer.

(2.0) 1.5 Powers and Duties of the Health Officer. The Health Officer of the Jefferson County Department of Health shall have the following powers and duties:

1.5.1 To hold hearings relating to any aspect of or matter in the administration of these regulations, and in connection therewith, compel the attendance of witnesses and the production of evidence.

1.5.2 To issue such orders as may be necessary to effectuate the purposes of these regulations and enforce the same by all appropriate administrative and judicial proceedings.

1.5.3 To require records relating the emissions which cause or contribute to air contamination.

1.5.4 To secure necessary scientific, technical, administrative and operational services, including laboratory facilities, by contract or otherwise.

1.5.5 To prepare and develop a comprehensive plan or plans for the prevention, abatement and control on air pollution in Jefferson County.

1.5.6 To encourage voluntary cooperation by persons and affected groups to achieve the purposes of these regulations.

1.5.7 To encourage and conduct studies, investigations and research relating to air contamination and air pollution and their causes, effects, prevention, abatement and control.

1.5.8 To determine by means of field studies and sampling the degree of air contamination and air pollution in the County and the several parts thereof.

1.5.9 To make a continuing study of the effects of the emission of air contaminants from motor vehicles on the quality of the outdoor atmosphere of Jefferson County and the several parts thereof, and make recommendations to appropriate public and private bodies with respect thereto.

1.5.10 To collect and disseminate information and conduct educational and training programs relating to air contamination and air pollution.

1.5.11 To advise, consult, contract and cooperate with agencies of the State, local governments, industries, other states, interstate or interlocal agencies, and the Federal Government, and with interested persons or groups.

1.5.12 To consult, upon request, with any person proposing to construct install or otherwise acquire an air contaminant source or device or system for the control thereof, concerning the efficacy of such device or system, or the air pollution problem which may be related to the source, device or system. Nothing in any such consultation shall be construed to relieve any person from compliance with the Act, these regulations, or any other provision of law.

1.5.13 To accept, receive and administer grants or other funds or gifts, from public and private agencies, including the Federal and State Government, for the purpose of carrying out any of the functions of these regulations.

1.5.14 To provide for the establishment of advisory committees, appointment of the membership of such committees, scope of investigation, and other duties, of such committees.

1.5.15 To require from any person reports containing information as may be required by the Health Officer concerning location, size and height of contaminant outlets, processes employed, fuels used and the nature and time periods or duration of emissions, and such other information as is relevant to air pollution.

1.5.16 To provide for the delegation of the authority of the Health Officer to employees of the Jefferson County Department of Health for the performance of any act or duty necessary or incidental to the administration of the Act or these regulations.

(14.0) 1.6 Availability of Records and Information

1.6.1 Public Inspection of Records

Except as is provided in this part, any records, reports or information obtained under the Act or these regulations and the official records of the Board shall be available to the public for inspection. Requests to inspect such records should state the general subject matter of the records sought to be inspected to permit identification and location.

1.6.2 Exceptions

Upon a showing satisfactory to the Health Officer by any person that records, reports, or information, or particular part thereof, (other than emission data) to which the Health Officer has access if made public, would divulge production or sales figures or methods, processes or production unique to such person, or would otherwise tend to affect adversely the competitive position of such person by revealing trade secrets, the Board and the Health Officer shall consider such record, report, or information or particular portion thereof confidential in the administration of the Act and these rules and regulations.

1.6.4 Denial of Requests for, or Non-existence of, Information. If it is determined pursuant to this Part that requested information will not be provided or that, to the best knowledge of the Health Officer, requested information does not exist, the Health Officer shall notify in writing the party requesting the information that the request is either denied or cannot be fulfilled.

1.6.5 Copies of Documents

If it is determined that information requested may be disclosed, the requesting party shall be afforded the opportunity to obtain copies of the documents containing such information. Upon request, the Health Officer may furnish said copies at a price to be set by the Health Officer that would compensate for the cost of producing the requested copies.

1.6.6 Disclosure of Information

Nothing herein shall be construed to prevent disclosure of such report, record or information to Federal or State representative as necessary for purposes of administration of the Program or of any Federal or State Air Pollution Control Agency, or when relevant in any proceeding under the Act or these regulations.

1.6.7 Correlation of Information

As soon as practicable, the Health Officer shall provide for public availability of emission data reported by source owners or operators or otherwise obtained by the Health Officer. Such emission data shall be correlated with applicable emission limitations or other measures. As used in this section, "correlated" means presented in such a manner as to show the relationship between measured or estimated amounts of emissions and the amounts of such emissions allowable under these rules and regulations.

(4.0) 1.7 Ambient Air Quality Standards

1.7.1 Primary and Secondary Standards

The national primary ambient air quality standards and national secondary ambient air quality standards and accompanying appendices of reference methods, set forth at Part 50 of Title 40 or the Code of Federal Regulations, as the same may be amended or revised, are hereby incorporated and made a part of these regulations, and shall apply throughout the county.

1.7.2 Policy

It is the objective of the Board to obtain and maintain the ambient air *quality standards of this Part in achieving the policy and purpose* of the Act and as required by the Federal Act. The adoption hereby of the national primary and secondary ambient air quality standards shall not be considered in any manner to allow significant deterioration of existing air quality in any portion of the county.

1.7.3 Attainment of Primary Standard

These rules and regulations and the administration of the Air Pollution Control Program shall provide for the attainment of the national primary ambient air quality throughout the county as expeditiously as practicable, but in no case later than three years after the date of initial adoption of these rules and regulations or within the time limits specified by Section 110 (a) of the Clean Air Act, as amended (84 Stat. 1680), whichever is later.

1.7.4 Attainment of Secondary Standard

To the extent practicable and feasible, these rules and regulations and the administration of the Air Pollution Control Program shall strive for the attainment of the national secondary ambient air quality throughout the county concurrently with the attainment of the national primary ambient air quality standard as provided in Section 1.7.3.

(15.0) 1.8 Inspections

The Health Officer or his authorized representative may enter and inspect any property, premises or place on or at which an air contaminant source is located or is being constructed, installed or established at any reasonable time for the purpose of ascertaining the state of compliance with these regulations. No person shall refuse entry or access to the Health Officer or his authorized representative who requests entry for purposes of inspection, and who presents appropriate credentials; nor shall any person obstruct, hamper or interfere with any such inspection. If requested, the owner or operator of the premises shall receive a report setting forth all facts found which relate to compliance status.

(9.0) (13.0) 1.9 Monitoring, Records, Reporting

1.9.1 The Health Officer may require the owner or operator of air contaminant source to establish and maintain such records; make such reports; install, use and maintain such monitoring equipment or methods; sample such emissions in accordance with such methods, at such locations, intervals and procedures as the Health Officer shall prescribe; and provide such periodic emission reports as required in Section 1.9.2.

1.9.2 Reports

Records and reports as the Health Officer may prescribe on air contaminants or fuel shall be recorded, compiled and submitted on forms furnished by the Health Officer or when forms are not so furnished, then in formats approved by the Health Officer.

(a) Emissions of particulate matter, sulfur dioxide, and oxides of nitrogen shall be expressed as follows: in pounds per hour and pounds per million BTU of heat input for fuel-burning equipment; in pounds per hour and pounds per 100 pounds of refuse burned for incinerators; and in pounds per hour and in pounds per hourly process weight or production rate or in terms of some other easily measured and meaningful process unit specified by the Health Officer.

(b) Sulfur dioxide and oxides of nitrogen emission data shall be averaged over a 24-hour period and shall be summarized monthly. Daily averages and monthly summaries shall be submitted to the Health Officer biannually. Data should be calculated daily and available for inspection at any time.

(c) Particulate matter emissions shall be sampled and submitted biannually.

(d) Visible emissions shall be measured continuously and records kept indicating total minutes per day in which stack discharge effluent exceeds 20 percent opacity. Data should be summarized monthly and submitted monthly and submitted biannually. Current daily results shall be available for inspection at any time.

(e) The sulfur content of fuels, as burned, except natural gas, shall be determined in accordance with current recognized ASTM procedures. Averages for periods prescribed by the Director shall be submitted biannually. Records shall be kept current and be available for inspection.

(9.0) 1.10 Sampling and Testing Methods

1.10.1 Methods

All required sampling and testing shall be made and the results calculated in accordance with sampling and testing procedures and methods approved by the Health Officer. All required samples and tests shall be made under the direction of persons qualified by training and/or experience in the field of air pollution control.

1.10.2 Standard Methods

The Health Officer, to the extent practicable, should recognize and approve the test methods and procedures established by Part 60 of Title 40 of the Code of Federal Regulations, as the same may be amended or revised.

1.10.3 The Health Officer or his authorized representative may conduct tests and take samples of air contaminants, fuel, process material or other materials which affects or may affect emission of air contaminants from any source. Upon request of the Health Officer, the person responsible for the source to be tested shall provide necessary holes in stacks or ducts and such other safe and proper sampling and testing facilities exclusive of instruments and sensing devices as may be necessary for proper determination of the emission of air contaminants. If the Health Officer or his authorized representative during the course of an inspection obtains a sample of air contaminant, fuel, process material, or other material, he shall give the owner or operator of the equipment or fuel facility a receipt for the sample obtained.

1.10.4 Report to owner or operator. At the conclusion of any inspection under Part 1.8 of these regulations, or conduction of any testing or sampling under this Part, if requested, the owner or operator of these premises shall receive a report setting forth all facts found which relate to compliance status with these rules and regulations.

(6.0) 1.11 Compliance Schedule

1.11.2 New Sources

All new sources shall comply with the applicable rules and regulations of Chapter 5 et seq. within 60 days after achieving the maximum production rate at which the affected source will be operated, but not later than 120 days after initial startup of such source, unless the Health Officer specifies another period of time as a condition to the issuance of any permit under Chapter 3.

1.11.3 Existing Sources

All existing sources not in compliance as of the date of initial adoption of an applicable rule or regulation contained in Chapter 5 et seq. shall be in compliance within 6 months of such initial date unless the owner or operator responsible for the operation of such source shall have submitted to the Health Officer in a form and manner satisfactory to him, a control plan and schedule for achieving compliance, such plan and schedule to contain a date on or before which full compliance will be attained, and such other information as the Health Officer may require. Any such plan and schedule expected to extend over a period of 18 or more months from such initial date shall include provisions for periodic increments of progress toward full compliance. If approved by the Health Officer, such dates shall be the dates on which such owner or operator shall achieve incremental progress and full compliance. The Health Officer may require persons to submit subsequent periodic reports on progress in achieving compliance. In no event shall the control plan and schedule exceed 3 years from the date of initial adoption of an applicable rule or regulation. The provisions of this Section shall not apply to sources for which permits are required under Chapter 2.

1.11.4 Nothing in this Part shall relieve any person, or any new or existing source from complying with the provisions of Chapter 1 through 4 of these rules and regulations.

(7.0)
(13.0) 1.12 Maintenance and Malfunctioning of Equipment; Reporting

1.12.1 Maintenance; Reporting

In the case of shutdown of air pollution control equipment (which operates pursuant to any permit issued by the Director) for necessary scheduled maintenance, the intent to shut down such equipment shall be reported to the Director at least twenty-four (24) hours prior to the planned shutdown, unless such shutdown is accompanied by the shutdown of the source which such equipment is intended to control. Such prior notice shall include, but is not limited to the following:

(a) Identification of the specific facility to be taken out of service as well as its location and permit number.

(b) The expected length of time that the air pollution control equipment will be out of service.

(c) The nature and quantity of emission of air contaminants likely to occur during the shutdown period.

(d) Measures such as the use of off-shift labor and equipment that will be taken to minimize the length of the shutdown period.

(e) The reasons that it would be impossible or impractical to shut down the source operation during the maintenance period.

1.12.2 Malfunction; Reporting

In the event that any emission source, air pollution control equipment, or related facility fails or breaks down in such a manner as to cause the emission of air contaminants in violation of these rules and regulations, the person responsible for such source, equipment, or facility shall notify the Health Officer within 24 hours of such failure or breakdown and provide a statement giving all pertinent facts, including the estimated duration of the breakdown. The Health Officer shall be notified when the condition causing the failure or breakdown has been corrected and such source, equipment, or facility is again in operation.

(2.0) 1.13 Prohibition of Air Pollution

No person shall permit or cause air pollution, as defined in Part 1.3 of this Chapter by the discharge of any air contaminant for which no ambient air quality standards have been set under Section 1.7.1.

(15.0) 1.14 Penalties and Citations

1.14.1 Any person who violates any provisions of these regulations or who violates any determination or order of the Health Officer pursuant to these regulations shall be liable to a penalty not to exceed $10,000 for said violation and an additional penalty not to exceed $10,000 for each day during which such violation continues, which penalty may be recovered by the Jefferson County Board of Health in a civil action in the Circuit Court of said county and such person may also be enjoined from continuing such violation.

1.14.2 Any money penalty so recovered shall be deposited in the County Treasury of Jefferson County, Alabama, to the account of the Air Pollution Program of the Jefferson County Department of Health.

1.14.3 It shall be the duty of the District Attorney of the Tenth Judicial Circuit to bring such actions in the Circuit Court at the request of the Jefferson County Board of Health in the name of Jefferson County, Alabama. The Jefferson County Board of Health may at its option also commence such actions utilizing attorneys employed by the Jefferson County Board of Health.

1.14.4 Any person who knowingly violates or fails or refuses to obey or comply with any provision of these regulations or knowingly submits any false information required by these regulations shall be guilty of a misdemeanor and upon conviction shall be punished as provided by law.

1.14.5 The Jefferson County Board of Health hereby authorizes the Health Officer to issue citations to any person violating any provisions of these regulations. Said citation commanding said person to cease and desist from violating the provisions of these regulations.

The citation shall specify the provision or provisions of these regulations alleged to constitute a violation thereof. Said citation shall command the person to appear at a hearing in person or by attorney at a time and place specified before the Board of Health and show cause why a prosecution for the violation of the provision or provisions of these regulations should not be commenced. No citation shall be issued for an appearance before the Board of Health less than 10 days after the issuance thereof except when an emergency air episode has been declared, in which case appearance may be required within 24 hours. The citation may be directed to a business or corporation or to the president, manager, superintendent, or other person in charge of the business or corporation. The citation may be issued by leaving a copy thereof at any office of the business or corporation or by leaving a copy with some person at said office or at the residence of the president, manager, superintendent, or other person in charge.

1.14.6 The issuance of a citation shall not be a condition precedent to the beginning of a prosecution under 1.14.1, 1.14.3, and 1.14.4 hereof; however, where a citation has been issued the accused shall be afforded an opportunity to be heard upon said citation before any prosecution is commenced hereunder. At the conclusion of the hearing on the citation the Jefferson County Board of Health may cause a prosecution to be commenced for said violation in which case the Jefferson County Board of Health shall direct the Health Officer to appear before a Magistrate authorized to take oaths and issue warrants of arrest in the County where the air contaminant source is located and make affidavit setting out the findings of the Jefferson County Board of Health. The Magistrate shall forthwith issue a warrant of arrest for the party charged commanding any Sheriff or other officer of the State authorized by State Law to execute warrants of arrest, to arrest the defendant and forthwith bring him before the Magistrate. The warrant shall be returnable to the court charged with jurisdiction to try misdemeanors committed in Jefferson County, Alabama.

1.14.7 The testimony taken at any hearing before the Jefferson County Board of Health shall be under oath and may be recorded stenographically but the parties shall not be bound by the strict rules of evidence prevailing in the courts of law and equity. True copies of any transcripts or of any other record made of or at such hearing shall be furnished to any party thereto upon request and on payment of the reasonable cost of making such transcript.

(2.0) 1.15 Circumvention

No person shall cause or permit the installation or use of any device or any means which, without resulting in reduction in the total amount of air contaminant emitted, conceals or dilutes any emission of air contaminant which would otherwise violate these rules and regulations.

(2.0) 1.16 Severability

The provisions of these rules and regulations and the various applications thereof are declared to be severable and if any chapter, part, section, paragraph, subparagraph, subdivision, clause, or phrase of these rules and regulations shall be adjudged to be invalid or unconstitutional by any court of competent jurisdiction, the judgment shall not affect, impair or invalidate the remainder of these rules and regulations but shall be confined in its operation to the chapter, part, section, paragraph, subparagraph, subdivision, clause, or phrase of these rules and regulations that shall be directly involved in the controversy in which such judgment shall have been rendered.

(3.0)

CHAPTER 2

PERMITS

(3.0) 2.1 Permits Required

2.1.1 Permit to Construct

Any person building, erecting, altering or replacing any article, machine, equipment or other contrivance, the use of which may cause the issuance of or an increase in the issuance of air contaminants or the use of which may eliminate or reduce or control the issuance of air contaminants, shall first obtain authorization for such construction from the Health Officer in the form of a Permit to Construct. A Permit to Construct shall remain in effect until the permit to operate the equipment for which the application was filed is granted or denied or the application is canceled.

2.1.2 Permit to Operate

(a) Before any article, machine, equipment or other contrivance described in Section 2.1.1 may be operated or used, a written permit shall be obtained from the Health Officer. No permit to operate shall be granted for any article, machine, equipment or contrivance described in Section 2.1.1, constructed or installed without authorization as required by Section 2.1.1, until the information required is presented to the Health Officer and such article, machine, equipment or contrivance is altered, if necessary, and made to conform to the standards established by the Board.

(b) Any article, machine, equipment or other contrivance described in Section 2.1.1 which is presently operating (or which is not presently operating but which is capable of being operated) without a permit to operate, may continue to operate (or may restart) only if its operator obtains a permit to operate prior to a date to be set by the Health Officer (or prior to restarting).

(c) The Health Officer shall have the authority to decide cases where an article, machine, equipment or other contrivance is not clearly subject to nor exempt from the application of this chapter. In addition, the Health Officer may rule that a particular article, machine, equipment or other contrivance is subject to the application of this chapter even though it is exempt from the system according to Part 2.1 and 2.2 of this chapter. The operator or builder of such an article, machine, equipment, or other contrivance may appeal the Health Officer's classification to the Board which shall overrule the Health Officer only if it is shown that he acted arbitrarily and contrary to the purpose of the Act and these regulations.

2.1.3 Display of Permit to Operate

A person who has been granted a permit to operate any article, machine, equipment, or other contrivance shall keep such permit under file or on display at all times at the site where the article, machine, equipment, or other contrivance is located and will make such a permit readily available for inspection by any and all persons who may request to see it.

(2.0) 2.2 Exemptions

From time to time the Health Officer may specify certain classes or sizes of articles, machine, equipment, or other contrivance which would normally be subject to the requirement to obtain Permits to Operate or Construct, as being exempt from the requirement to obtain such permits. Exempt sources are subject in every other way to these rules and regulations.

(3.0) 2.3 Transfer

A Permit to Construct or Operate shall not be transferable whether by operation of law or otherwise, either from one location to another, from one piece of equipment to another, or from one person to another.

(3.0) 2.4 Applications

Every application for a Permit to Construct or Operate required under Part 2.1 shall be filed in the manner and form prescribed by the Health Officer and shall give all the information necessary to enable the Health Officer to make the determination required by Part 2.8 of this Chapter.

(3.0) 2.5 Cancellation of Applications

A Permit to Construct shall expire and the application shall be cancelled two years from the date of issuance of the Permit to Construct if the construction has not begun.

(3.0) 2.6 Action on Application

The Health Officer shall act, within a reasonable time, on an application for authority to construct, Permit to Operate and shall notify the applicant in writing of its approval, conditional approval or denial.

(9.0) 2.7 Provision of Sampling and Testing Facilities

A person operating or using any article, machine, equipment or other contrivance for which these rules and regulations require a permit shall provide and maintain such sampling and testing facilities as specified in the Permit to Construct or Permit to Operate.

(3.0) 2.8 Standards for Granting Permits

2.8.1 The Health Officer shall deny a permit except as provided by Part 2.9, if the applicant does not show that every article, machine, equipment or other contrivance, the use of which may cause the issuance of air contaminants, is so designed, controlled, or equipped with such air pollution control equipment, that it may be expected to operate without emitting or without causing to be emitted air contaminінants in violation of these rules and regulations.

2.8.2 The Health Officer shall deny a permit if the applicant does not present, in writing, a plan whereby the emission of air contaminants by every article, machine, equipment, or other contrivance described in the permit application, will be reduced during periods of an Air Pollution Alert, Air Pollution Warning, and Air Pollution Emergency in accordance with the provisions of Chapter 4.

2.8.3 Before a Permit to Construct or Permit to Operate is granted, the Health Officer may require the applicant to provide and maintain such facilities as are necessary for sampling and testing purposes in order to secure information that will disclose the nature, extent, quantity or degree of air contaminants discharged into the atmosphere from the article, machine, equipment or other contrivance described in the Permit to Construct or Permit to Operate. In the event of such a requirement, the Health Officer shall notify the applicant in writing of the required sizes, number and location of the sampling platform; the access to the sampling platform; and the utilities for operating the sampling and testing equipment.

2.8.4 The Health Officer may also require the applicant to install, use and maintain such monitoring equipment or methods; sample such emission in accordance with such methods, at such locations, intervals and procedures as may be specified; and provide such information as the Health Officer may require.

2.8.5 Before acting on an application for Permit to Construct or Permit to Operate, the Health Officer may require the applicant to furnish further information or further plans or specifications.

2.8.6 In acting upon a Permit to Operate, if the Health Officer finds that the article, machine, equipment or other contrivance has been constructed not in accordance with the Permit to Construct, and if the changes noted are of a substantial nature in that the amount of air contaminants emitted by the article, machine, equipment or other contrivance may be increased, or if that effect is unknown, then he shall deny the Permit to Operate. The Health Officer shall not accept any further application for a Permit to Operate until the article, machine, equipment or other contrivance has been reconstructed in accordance with the Permit to Construct, or until the applicant has proven to the satisfaction of the Health Officer the the change will not cause an increase in the emission of air contaminants.

2.8.7 The Health Officer shall deny a Permit to Construct where he determines that the construction and operation of such source will interfere with attaining or maintaining any primary or secondary standard established by Section 1.7.1 or will allow significant deterioration of existing air quality.

2.8.8 In granting any Permit to Operate, the Health Officer may allow, as a condition of such permit, for the intermittent discharge of air contaminants, during startup, shutdown, rate change or load change, in excess of the limitations specified in these rules and regulations where he finds that because of the nature of the source there is no practicable alternative.

(3.0) 2.9 Conditional Permit

2.9.1 The Health Officer may issue a Permit to Construct or a Permit to Operate subject to conditions which will bring the operation of any article, machine, equipment or other contrivance within the standards of Part 2.8, in which case the conditions shall be specified in writing. Commencing work under such a Permit to Construct or a Permit to Operate shall be deemed acceptance of all the conditions specified. The Health Officer shall issue a Permit to Construct or a Permit to Operate with revised conditions upon receipt of a new application, if the applicant demonstrates that the article, machine, equipment or other contrivance can operate within the standards of Part 2.8 under the revised conditions.

2.9.2 A Conditional Permit may allow an article, machine, equipment or other contrivance to be operated in violation of the conditions of Part 2.8 if one of the conditions of the permit is a definite schedule by which the article, machine, equipment, or contrivance may attain the conditions of Part 2.8 and be granted a Permit to Operate, and if the schedule provides for attaining the conditions of Part 2.8 at the earliest possible date and is approved by the Health Officer. A Conditional Permit will be revoked if the applicant does not submit progress reports to the Health Officer according to the schedule established by the Conditional Permit. The Health Officer may further revoke the Conditional Permit if the progress reports do not show satisfactory progress as specified by the terms of the Conditional Permit or if the progress reports are found to be inaccurate.

2.9.3 A Conditional Permit that allows any new article, machine, equipment or contrivance to operate in violation of the requirements of Part 2.8 may not be granted for a period of time greater than one year, including all renewals.

2.9.4 No Conditional Permit issued under this Part for any existing article, machine, equipment or contrivance may be granted for a period of time longer than the greater of the following periods:

(a) The period from the granting of the permit to a date three years after the date of initial adoption of an applicable rule or regulation.

(b) The period from the granting of the permit to a date three years after the date the Administrator of the U. S. Environmental Protection Agency approves, in accordance with Section 110 of the Federal Act, such applicable rule or regulation as a part of an implementation plan (or any revision thereof).

(3.0) 2.10 Temporary Permit To Operate

2.10.1 Upon application for a Permit to Operate by a new facility, the Health Officer shall, within a reasonable period of time, dispatch an inspector to the facility in question. If the inspector determines that the facility has been constructed according to the specifications as set forth under the Permit to Construct, or else that any changes to the facility would reduce or affect to an unsubstantial degree that quantity of air contaminants emitted by the facility, and if the Health Officer agrees with this conclusion, then the Health Officer shall issue a temporary Permit to Operate which will remain in force until an official inspection of the facility under actual operating conditions can be made and the results reviewed, or until the Temporary Permit is suspended or revoked by the Health Officer. The Health Officer may issue a Temporary Permit to Operate without an inspection if the applicant fulfills the following requirements:

(a) The application for a Permit to Construct is filled out and countersigned by a Professional Engineer familiar with air pollution control as it relates to the equipment under application.

(b) Upon completion of the construction, a Professional Engineer familiar with the Permit to Construct submits a letter to the Health Officer, signed and sealed with his professional stamp, testifying that the construction under application has been completed and is in accordance with the specification as set down in the Permit to Construct. The Health Officer is empowered to reject the testimony of the Professional Engineer if the Health Officer decides that the Professional Engineer's qualifications are insufficient to allow him to accurately and completely assess the equipment in question. A Professional Engineer may appeal any such judgment to the Board.

(1) Denial of Application - In the event of denial of a Permit to Construct or Permit to Operate, the Health Officer shall notify the applicant in writing of the reason therefor. Service of this notification may be made in person or by mail, and such service may be proved by the written acknowledgement of the persons served or affidavit of the person making the service. The Health Officer shall not accept a further application unless the applicant has complied with the objections specified by the Health Officer as his reason for denial of the Permit to Construct or the Permit to Operate.

(2) Appeals - Within 10 days after notice by the Health Officer of denial or conditional approval of a Permit to Construct or Permit to Operate, the applicant may petition the Board, in writing, for a review. The Board may sustain or reverse the action of the Health Officer; such order may be made subject to specified conditions.

(3) The holder of a Permit under this Chapter shall comply with conditions contained in such Permit as well as all applicable provisions of these rules and regulations except where violations are specifically allowed in accordance with a Conditional Permit issued under Part 2.9.

(5.0)

CHAPTER 3

VARIANCES

(5.0) 3.1 Granting of Variances

3.1.1 The Board may grant individual variances beyond the limitations prescribed in the Act or these regulations, whenever it is found, upon presentation of adequate proof, that compliance with any rule or regulation, requirement or order of the Board or Health Officer would impose serious hardship without equal or greater benefits to the public, and the emissions occurring or proposed to occur do not endanger or tend to endanger human health or safety, human comfort, and aesthetic values. In granting or denying a variance the Board shall file and publish a written opinion stating the facts and reasons leading to its decision.

3.1.2 In granting a variance, the Board may impose such conditions as the policies of the Act and these rules and regulations may require. If the hardship complained of consists solely of the need for a reasonable delay in which to correct a violation of these rules and regulations, the Board shall condition the granting of such variance upon the posting of sufficient performance bond or other security to assure the correction of such violation within the time prescribed.

3.1.3 Any variance granted pursuant to the provisions of this section shall be granted for such period of time, not exceeding one year, as shall be specified by the Board at the time of the grant of such variance, and upon the condition that the person who receives such variance shall make such periodic progress reports as the Board shall specify. Such variance may be extended from year to year by affirmative action of the Board, but only if satisfactory progress has been shown.

3.1.4 Any person seeking a variance shall do so by filing a petition for variance with the Board, which shall promptly give notice of such petition in a newspaper of general circulation in the county in which the installation or property for which variance sought is located. The Health Officer shall promptly investigate such petition, consider the views of persons who might be adversely affected by the granting of a variance and make a recommendation to the Board as to the disposition of the petition. If the Board, in its discretion, concludes that a hearing would be advisable, or if any person files a written objection to the grant for such variance within 21 days, then a hearing shall be held. All such hearings shall be open to the public, and reasonable opportunity to be heard with respect to the subject of the hearing shall be afforded to any person. All testimony taken before the Board shall be recorded stenographically. The transcript so recorded, and any written submissions to the Board in relation to such hearings, shall be open to public inspection.

3.1.5 If the Board fails to take final action upon a variance request within 90 days after the filing of the petition, the petitioner may deem the request denied.

3.1.6 A variance or renewal shall not be a right of the applicant or holder thereof but shall be in the discretion of the Board; however, any person adversely affected by a variance or renewal granted by the Board may obtain judicial review by filing notice of appeal with the Register in Chancery of the Circuit Court in Equity in the county where the pollution source is located within twenty days from the action of the Board thereon. The case shall be heard by the Court under the same rules and with the same requirements as a petition for injunction would be heard. On appeal, the Circuit Court shall grant said variance unless it finds the operation of the air contamination source in the manner allowed in the variance would amount to a private or public nuisance, or unless it finds that the Board acted arbitrarily and capriciously.

(2.0) 3.2 Petition Procedures

3.2.1 Any person subject to any rule or regulation, requirement or order, may petition the Board for a variance from the application thereof, as prescribed by the Act or these regulations. A petition for a variance must state the following:

(a) The name, address and telephone number of the petitioner, or other person authorized to receive service of notices.

(b) Whether the petitioner is an individual, partnership, corporation or other entity, and names and address of the officers, if a corporation, and names and adress of the persons in control, if other entity.

(c) The type of business or activity involved in the application and the street address at which it is conducted.

(d) A brief description of the article, machine, equipment or other contrivance, if any involved in the petition.

(e) The signature of the petitioner, or that of some person on his behalf, and, where the person signing is not the petitioner, the authority to sign.

(f) The rule or regulation, requirement or order complained from which a variance is requested.

(g) The facts showing why compliance with such rule or regulation, requirement or order would impose serious hardship on the petitioner or any other person or persons without equal or greater benefits to the public.

(h) The facts showing why the emissions occurring or proposed to occur do not endanger or tend to endanger human health or safety, human comfort, and aesthetic values.

(i) For what period of time the variance is sought and why.

(j) Provisions of the rule or regulation, requirement or order which the petitioner can meet and the date when petitioner can comply with such provisions.

(k) Whether or not any case involving the same identical equipment or process identified in paragraph (d) is pending in any court, civil or criminal.

3.2.2 All petitions shall be typewritten, double spaced, on legal or letter size paper, on one side of the paper only.

(2.0) 3.3 Failure to Comply with Procedures

3.3.1 The Health Officer shall not accept for filing, any petition which does not comply with these rules and regulations relating to the form, filing and service of petitions unless the Chairman or any two members of the Board direct otherwise and confirm such direction in writing. Such direction need not be made at a meeting of the Board.

3.3.2 The Chairman or any two members, without a meeting, may require the petitioner to state further facts or reframe a petition so as to disclose clearly the issues involved.

(2.0) 3.4 Objection Procedures

3.4.1 A person may file a written objection to the grant of a variance within 21 days from initial advertised notice and thus insure that public hearing will be held, according to Section 3.1.4 of this Chapter. An objection to the granting of a variance must state:

(a) The objector's name, address, and telephone number.

(b) Whether the objector is an individual, partnership, corporation or other entity, and names and address of the partners if a partnership, names and address of the officers if a corporation, and the names and address of the persons in control if other entity.

(c) A specification of which petition for a variance is being objected to.

(d) A statement indicating why the objector believes that the variance should not be granted.

3.4.2 All objections should be typewritten or carefully printed in ink on legal or letter size paper.

(16.0) 3.5 Rules of Evidence at Hearing

3.5.1 Each party shall have these rights; to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him to testify; and to rebut the evidence against him. If a petitioner or objector does not testify in his own behalf, he may be called and examined as if under cross-examination.

3.5.2 The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be submitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule in civil actions. Heresay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil action, and irrelevant and unduly repetitious evidence shall be excluded.

(8.0) CHAPTER 4

AIR POLLUTION EMERGENCY

(8.0) 4.1 Air Pollution Emergency

The Health Officer is authorized and empowered to enforce or require enforcement of any provisions of this Chapter throughout the territorial limits of Jefferson County, Alabama.

(2.0) 4.2 Powers and Duties of the Health Officer

4.2.1 Any other provisions of law to the contrary notwithstanding, if the Health Officer finds that a generalized condition of air pollution exists and that it creates an emergency requiring immediate action to protect human health or safety, the Health Officer shall order persons causing or contributing to the air pollution to reduce or discontinue immediately the emission of air contaminants, and such order shall fix a place and time, not later than twenty-four hours thereafter, for a hearing to be held before the Board. Not more than twenty-four hours after the commencement of such hearing, and without adjournment thereof, the Board shall affirm, modify or set aside the order of the Health Officer.

4.2.2 In the absence of a generalized condition of air pollution of the type referred to in Section 4.2.1 of this part, but if the Health Officer finds that emissions from the operation of one or more air contaminant sources is causing imminent danger to human health or safety, he may order the person or persons responsible for the operation or operations in question to reduce or discontinue emissions immediately. In such event, the requirements for hearing and affirmance, modification or setting aside of order set forth in Section 4.2.1 of this part shall apply.

4.2.3 Nothing in this Section shall be construed to limit any power which the Health Officer, the Alabama Air Pollution Control Commission, the Governor or any other person may have to declare an emergency and act on the basis of such declaration, if such power is conferred by statute or constitutional provision, or inheres in the office.

4.2.4 In addition to, and without in any way limiting the foregoing, if the Health Officer determines at any time that air pollution in Jefferson County or in any portion of the County constitutes an emergency risk to the health of those present in the County or said area of the County, and that the resources of the Jefferson County Board of Health are not sufficient to abate said air pollution, such determination shall be communicated by telephone and in writing, with the factual findings on which such determination is based to the Director of the Division of Air Pollution Control of the Alabama Department of Public Health or to the State Health Officer in his capacity as Chairman of the Alabama Air Pollution Control Commission or to the Environmental Protection Agency of the Federal Government. Such communication shall request assistance in the abatement of said air pollution emergency consistent with the provisions of Act 769, Alabama Legislature, Regula Session 1969, and the Federal Clean Air Act as amended. The Health Officer may delegate to the Deputy Health Officer or the Director the power to make said determinations and deliver the same to the Director of the Division of Air Pollution Control of the Alabama Department of Public Health or to the State Health Officer or the Environmental Protection Agency in the name of the Health Officer.

(8.0) 4.3 Episode Criteria

When the Health Officer determines that conditions justify the proclamation of an air pollution episode stage, due to the accumulation of air contaminants in any place within the County, attaining levels which could, if sustained or exceeded, lead to a substantial threat to the health of persons, he shall be guided by the following criteria.

4.3.1 Episode stages shall be determined and declared upon the basis of average concentration recorded at any monitoring station in the County.

4.3.2 If contamination and meteorology warrant, any advanced episode stage may be declared by the Health Officer without first declaring a lesser degree of Alert or Watch. The Health Officer shall, at his discretion, declare a lesser stage, the termination or the continuance of the advanced episode stage during such times when contamination and meteorological conditions moderate significantly after an advanced episode stage has been declared.

4.3.3 Episode Watch

The Health Officer shall declare an Episode Watch when one or more of the following events take place.

(a) An Atmospheric Stagnation Advisory is issued by the National Weather Service, stating that atmospheric conditions marked by a slow moving high pressure system, light winds, and temperature inversions are expected to affect Jefferson County or portions thereof for the next 36 hours.

(b) A forecast by local meteorologist that stagnant atmosphereic conditions as described above could result in high air pollution levels in Jefferson County or portions thereof.

(c) Validated reports of abnormally high air pollution measurements, specifically, reaching or exceeding 50 percent of the Alert level of Section 4.3.4 for at least three consecutive hours at a given locality in the County.

4.3.4 Alert

The Health Officer shall declare an Alert when any one of the following contaminant concentrations is measured at any monitoring site, and due to adverse meteorological conditions can be expected to remain at these levels or higher for the next 12 hours or more unless control measures are taken:

(a) Sulfur Dioxide - Measured by continuous coulometric or colorimetric analyzer, or equivalent.

24-hour average, 0.30 ppm (800 $\mu g/m^3$)

(b) Particulates - Measured by sequential tape sampler, two-hour accumulations (soiling index).

24-hour average, 3.0 COHS per 1000 linear feet or measured by Hi Vol (high volume sampler), 24-hour accumulation.

(c) Sulfur Dioxide and Particulates Combined - Product of concurrent 24-hour average concentrations.

sulfur dioxide, ppm, times particulates, COHS, equals 0.2 sulfur dioxide, $\mu g/m^3$, time particulates, $\mu g/m^3$, equals 65,000.

(d) Carbon Monoxide - Measured by continuous non-dispersive infrared analyzer, or equivalent.

8-hour average, 15 ppm (17 mg/m^3)

(e) Nitrogen Dioxide - Measured by continuous analyzer, or equivalent.

24-hour average, 0.15 ppm (282 $\mu g/m^3$)
or 1-hour average, 0.6 ppm (1130 $\mu g/m^3$)

(f) Photochemical Oxidants - Measured by continuous chemiluminescent analyzer or equivalent.

1-hour average, 0.1 ppm (200 ug/m^3)

4.3.5 Warning

A Warning shall be declared by the Health Officer when the concentrations of any of the following air contaminants measured at any monitoring site and due to adverse meteorological conditions can be expected to remain at these levels or higher for the next 12 hours or more unless control measures are taken:

(a) Sulfur Dioxide - Measured by continuous coulometric or colorimetric analyzer, or equivalent.

24-hour average, 0.6 ppm (1600 $\mu g/m^3$)

(b) Particulates - Measured by sequential tape sampler, two-hour accumulations (soiling index).

24-hour, average, 5.0 COHS per 1000 linear feet or measured by Hi Vol. 24-hour accumulation:

24-hour average, 625 $\mu g/m^3$

(c) Sulfur Dioxide and Particulates Combined - Product of concurrent 24-hour average concentration.

sulfur dioxide, ppm, times particulates, COHS, equals 0.8

or sulfur dioxide, $\mu g/m^3$, times particulates, $\mu g/m^3$, equals 261,000

(d) Carbon Monoxide - Measured by continuous non-dispersive infrared analyzer or equivalent.

8-hour average, 30 ppm (34 mg/m^3)

(e) Nitrogen Dioxide - Measured by continuous analyzer, or equivalent.

24-hour average, 0.30 ppm (565 $\mu g/m^3$)
1-hour average, 1.20 ppm (2260 $\mu g/m^3$)

(f) Photochemical Oxidants - Measured by continuous chemiluminescent analyzer, or equivalent.

1-hour average, 0.40 ppm (800 $\mu g/m^3$)

4.3.6 Emergency

When the following concentrations of air contaminants have been reached or due to meteorological conditions can be expected to reach or exceed these levels at any monitoring site in the County for a period of 12 hours or more unless control actions are taken, the Health Officer shall declare an Emergency:

(a) Sulfur Dioxide - Measured by continuous coulometric or colorimetric analyzer, or equivalent.

(b) Particulates - Measured by sequential tape sampler, two-hour accumulations (soiling index).

24-hour average, 7.0 COHS per 1000 linear feet
or measured by Hi Vol, 24-hour accumulation
24-hour average, 875 $\mu g/m^3$

(c) Sulfur Dioxide and Particulates Combined - Product of concurrent 24-hour average concentrations.

sulfur dioxide, ppm, times particulates, COHS, equals 1.2
or sulfur dioxide, $\mu g/m^3$, time particulates, $\mu g/m^3$, equals 393,000

(d) Carbon Monoxide - Measured by continuous non-dispersive infrared analyzer, or quivalent.

8-hour average, 40 ppm (46 mg/m^3)

(e) Nitrogen Dioxide - Measured by continuous analyzer, or equivalent.

24-hour average, 0.40 ppm (750 $\mu g/m^3$)
1-hour average 1.60 ppm (3000 $\mu g/m^3$)

(f) Photochemical Oxidants - Measured by continuous chemiluminescent analyzer, or equivalent.

1-hour average, 0.60 ppm (1200 $\mu g/m^3$)

4.3.7 Termination

(a) The status reached by application of the Episode Criteria of this part shall remain in effect until the criteria for that level is no longer met. At such time, the next lower status will be assumed and such changes declared by the Health Officer. Specifically:

(1) When ambient contaminant concentrations fall below the critical levels for the stage, and a downward trend of

concentrations is established; and

(2) When meteorological conditions that attended the high concentrations are no longer called for in official weather predictions.

(b) A public declaration will take on one of the following forms.

(1) Terminate "Emergency Status", resume "Warning Status" or "Alert Status"; whichever is appropriate.

(2) Terminate "Warning Status", resume "Alert Status" or appropriate stage.

(3) Terminate "Episode Status".

(c) Upon termination of an "Episode Status", the Air Pollution Control Program will remain on internal "Episode Watch" until a return to normal operation is announced by the Health Officer.

4.3.8 Status Declaration Authority

The Health Officer, or his specific designee, shall have the authority to make an announcement of internal Episode Watch, and public declarations of Alert, Warning and Emergency Status.

(8.0) 4.4 Special Episode Criteria

4.4.1 The Health Officer shall have the authority to declare episodic conditions when the atmospheric concentration of a single contaminant or that of a specific locality within the County show elevated concentrations.

4.4.2 Specific Pollutant Situations

When concentrations of one or two contaminants reach or exceed the defined criteria levels, and concentration of other contaminants remain substantially below 50 percent of Alert levels, and meteorological conditions are such that these specific contaminant concentrations can be expected to remain at the above levels for 12 hours or more or increase unless control action is taken, a Specific Alert, Warning, or Emergency Status shall be declared by the Health Officer, naming the contaminants that meet the respective criteria. In such instances when two contaminants meet different criteria, the Health Officer shall declare the status for the episode having the higher level, and that an Episode Watch is being maintained on the remaining contaminants.

4.4.3 Specific Locality Situation

The Health Officer, when high concentrations of one or more contaminants measured at one monitoring site and not others and the effect is judged to originate from an identifiable source near the given site, shall declare the appropriate local Alert, Warning, or Emergency Status for the delineated area and that an Episode Watch is in effect for any remaining portion of the jurisdictional area while meteorological conditions favor the maintenance or increase of said high concentration for at least 12 hours or more unless control action is taken.

(8.0) 4.5 Emission Reduction Plans

Upon declaring an Episode Watch, Alert, Warning, or Emergency, the Health Officer shall order persons responsible for the operation of a source of air contaminants causing or contributing to such episode to take the general measures outlined in the Emergency Episode Plan for the State of Alabama (dated November 1971, prepared by TRW, Inc.) or revision thereof, as he deems appropriate, in addition to all specific source curtailments designated by him.

(8.0) 4.6 Two Contaminant Episode

The Health Officer shall declare an Alert, Warning, or Emergency Status specific for two contaminants when the ambient concentrations of two contaminants simultaneously reach or exceed their respective Episode Criteria of this Chapter and meteorological conditions are such that contaminant concentrations can be expected to remain at those criteria levels for 12 or more hours or increase unless control actions are taken. When criteria levels correspond to different episode status for two contaminants, the Health Officer shall declare the status of the higher of the two.

(8.0) 4.7 General Episodes

The Health Officer shall, in the event that ambient concentrations of three or more contaminants simultaneously reach or exceed their respective Episode Criteria and no improvement in meteorological conditions is forecast for the next 12 hours, declare a General Alert, Warning, or Emergency Status. In the event the criteria levels correspond to different statuses for each contaminant, the Health Officer shall declare a general status corresponding to the highest individual status.

(8.0) 4.8 Emission Reduction Plan for Local Episodes

4.8.1 The Health Officer shall specify the area of the County affected when a Local Alert, Warning or Emergency Status is declared, or when an Accidental Episode for Common contaminants occurs, based upon air quality and meteorological reports and predictions.

4.8.2 When the Health Officer declares such a local episode, any person responsible for the operation from which excess emissions results, shall shut down such an operation and make repairs or alter the process as required to restore normal operations.

4.8.3 When the Health Officer declares that a Local Alert, Warning, or Emergency Status is in effect for a delineated area, corresponding General Measures shall be applied as detailed in Part 4.5, depending upon which contaminant(s) is/are being emitted in excess.

(8.0) 4.9 Emission Reduction Plans for Other Sources

4.9.1 Any person responsible for the operation of a source of air contaminants as determined by the Health Officer shall prepare standby plans for reducing the emissions of air contaminants during periods of an Episode Alert, Warning, and Emergency. Standby plans shall be designed to reduce or eliminate emissions of air contaminants in accordance with the objectives set forth in Part 4.5.

4.9.2 Any person responsible for the operation of a source of air contaminants not designated by the Health Officer shall when requested by the Health Officer in writing, prepare standby plans for reducing the emission of air contaminants during periods of Episode Alert, Warnings, and Emergency. Standby plans shall be designed to reduce or eliminate emissions of air contaminants in accordance with the objectives set forth in Part 4.5.

4.9.3 Standby plans as required under Section 4.9.2 shall be in writing and identify the sources of air contaminants, the amount of reduction of contaminants and a brief description of the manner in which reduction will be achieved during Episodes of Alert, Warning, and Emergency.

4.9.4 During Episodes of Alert, Warning, and Emergency Status, standby plans as required by this Chapter shall be made available on the premises to any person authorized to enforce the provisions of applicable rules and regulations.

4.9.5 Standby plans as required by these rules and regulations shall be submitted to the Health Officer upon request within 30 days of the receipt of such request; such standby plans shall be subject to review and approval by the Health Officer. If in the opinion of the Health Officer, a standby plan does not effectively carry out the objectives as set forth in these rules and regulations, the Health Officer may disapprove it, state the reason for disapproval and order the preparation of an amended standby plan within the time period specified in the order.

(51.9)
(51.13)

CHAPTER 5

CONTROL OF OPEN BURNING AND INCINERATION

(51.13) 5.1 Open Burning

No person shall ignite, cause to be ignited, permit to be ignited, or maintain any open fire except as follows:

5.1.1 Open fires for the cooking of food for human consumption on other than commercial premises;

5.1.2 Fires for recreational or ceremonial purposes;

5.1.3 Fires to abate a fire hazard, providing the hazard is so declared by the fire department or fire district having jurisdiction;

5.1.4 Fires for prevention or control of disease or pests;

5.1.5 Fires for training personnel in the methods of fighting fires;

5.1.6 Fires for the disposal of dangerous materials, where there is no practical alternate method of disposal and burning is approved by the Health Officer.

5.1.7 Fires set for recognized agricultural, silvicultural, range and wildlife management practices.

5.1.8 Fires set in salamanders or other devices used by construction or other workers for heating purposes.

5.1.9 Fires for the burning of trees, brush, grass and other vegetable matter in the clearing and maintenance of rights-of-way if such burning is done by the air curtain incinerator method, properly constructed and maintained, or an equivalent method specifically approved by the Health Officer, and if burning is approved in writing by the Health Officer.

5.1.10 Open fires specifically or expressly approved by the Health Officer.

(51.9) 5.2 Incinerators

5.2.1 Incinerators shall be designed and operated in such manner as is necessary to prevent the emission of objectionable odors.

5.2.2 No person shall cause or permit to be emitted into the open air from any incinerator, particulate matter in the exhaust gases to exceed 0.20 pounds per 100 pounds of refuse charged provided that: For incinerators of more than 50 tons per day charging rate, particulate matter in the exhaust gases may not exceed 0.10 pounds per 100 pounds of refuse charged.

5.2.3 Emission tests shall be conducted at maximum burning capacity of the incinerator.

5.2.4 The burning capacity of an incinerator shall be the manufacturer's or designer's guaranteed maximum rate or such other rate as may be determined by the Health Officer in accordance with good engineering practices. In case of conflict, the determination made by the Health Officer shall govern.

5.2.5 For the purposes of this Part, the total of the capacities of all furnaces within one system shall be considered as the incinerator capacity.

(51.9) 5.3 Incineration of Wood, Peanut, and Cotton Ginning Wastes

5.3.1 No person shall cause or permit to be emitted into the open air from any incinerator which incinerates wood, peanut, or cotton ginning wastes, particulate matter in the exhaust gases to exceed 0.40 pounds per 100 pounds of material charged.

5.3.2 Emission tests shall be conducted at maximum burning capacity of the incinerator.

5.3.3 The burning capacity of an incinerator shall be the manufacturer's or designer's guaranteed maximum rate or such other rate as may be determined by the Health Officer in accordance with good engineering practices. In case of conflict, the determination made by the Health Officer shall govern.

5.3.4 For the purposes of this Part, the total of the capacities of all furnaces within one system shall be considered as the incinerator capacity.

5.3.5 Each incinerator subject to this Part shall be properly designed equipped, and maintained for its maximum burning capacity, and shall be equipped with a temperature recorder which shall be operated continuously with the incinerator and the temperature records shall be made available for inspection at the request of the Health Officer and shall either:

(a) be equipped with an underfire forced air system, which shall be electronically controlled to insure the optimum temperature range for the complete combustion of the amount and type of material waste being charged into the incinerator; and a variable damper; or

(b) consist of an all metal shell with refractory lining, circular furnace, and a built-in cinder catching system for either reburning or other disposition; all primary combustion air shall be supplied under pressure through nozzle openings located around the periphery of the lower furnace; over-fire air shall be provided under pressure through ports which shall be directed downward and tangentially in the same direction as the primary air; cinder collection shall be accomplished by the provision of openings through the shell located above the furnace section.

(50.1)

CHAPTER 6

CONTROL OF PARTICULATE EMISSIONS

(50.1.2) ### 6.1 Visible Emissions

6.1.1 Visible Emissions Restrictions for Stationary Sources

(a) No person shall discharge into the atmosphere from any single source of emission whatsoever any air contaminants of a shade or density darker than that designated as No. 1 on the Ringelmann chart or 20 percent opacity.

(b) A person may discharge into the atmosphere from any single source of emission for a period or periods aggregating not more than three minutes in any 60 minutes air contaminants of a shade of density not darker than that designated as No.3 on the Ringelmann chart of 60 percent opacity.

(c) The Health Officer may approve exceptions to this Section for specific sources which hold permits under Chapter 2; provided, however, such exceptions may be made for startup, shutdown, load change, and rate change or other short, intermittent periods of time upon terms approved by the Health Officer and made a part of such permit.

(d) The provisions of this Section shall not apply to combustion sources in single-family and duplex dwellings where such sources are used for heating or other domestic purposes.

6.1.2 Reserved

6.1.3 Uncombined Water

Where the presence of uncombined water is the only reason for failure of an emission to meet the requirements of this Part, such sections shall not apply.

(50.1) ### 6.2 Fugitive Dust

6.2.1 No person shall cause, suffer, allow, or permit any materials to be handled, transported, or stored, or a building, its appurtenances, or a road to be used, constructed, altered, repaired or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions shall include, but not be limited to, the following:

(a) Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads or the clearing of land;

(b) Application of asphalt, oil, water, or suitable chemicals on dirt roads, materials stock piles, and other surfaces which create airborne dust problems.

(c) Installation and use of hoods, fans, and fabric filters (or other suitable control devices) to enclose and vent the handling of dusty materials. Adequate containment methods shall be employed during sandblasting or other similar operations.

6.2.2 Visible Emissions Restrictions Beyond Lot Line

No person shall cause or permit the discharge of visible fugitive dust emissions beyond the lot line of the property on which the emissions originate.

6.2.3 When dust, fumes, gases, mist, odorous matter, vapors, or any combination thereof escape from a building or equipment in such a manner and amount as to cause a nuisance or to violate any rule or regulation, the Health Officer may order that the building or equipment in which processing, handling and storage are done be tightly closed and ventilated in such a way that all air and gases and air or gas-borne material leaving the building or equipment are treated by removal or destruction of air contaminants before discharge to the open air.

(51.5) 6.3 Fuel Burning Equipment

6.3.1 No person shall cause or permit the emission of particulate matter from fuel-burning equipment in excess of the amount shown in Table 6-1 for the heat input allocated to such source. Interpolation of the data in Table 6-1 for heat input values between 10 million BTU/hr and 250 million BTU/hr shall be accomplished by the use of the equation:

$$E = 1.38H^{-0.44}$$

where: E = Emissions in lb/million BTU
H = Heat Input in millions of BTU/hr

6.3.2 For purposes of this Part, the total heat input from all similar fuel combustion units which discharge particulate matter through a common stack at a plant or premises shall be used for determining the maximum allowable emission of particulate matter.

TABLE 6-1

ALLOWABLE PARTICULATE MATTER EMISSION BASED ON HEAT INPUT

Heat Input (millions of BTU/hr)	Allowable Emission (lb/million BTU)
1.	.5
10.	.5
20.	.37
40.	.27
60.	.23
80.	.20
100.	.18
150.	.15
200.	.13
250.	.12
1,000,000.	.12

(50.1.1) 6.4 Process Industries - General

6.4.1 No person shall cause or permit the emission of particulate matter in any one hour from any source in excess of the amount shown in Table 6-2 for the process weight per hour allocated to such source. Interpolation of the data in Table 6-2 for the process weight per hour values up to 60,000 lbs/hr shall be accomplished by use of the equation:

$$E = 3.59\ P^{0.62} \qquad P < 30 \text{ tons/hr}$$

and interpolation and extrapolation of the data for process weight per hour values equal to or in excess of 60,000 lbs/hr shall be accomplished by use of the equation:

$$E = 17.31\ P^{0.16} \qquad P \geq 30 \text{ tons/hr}$$

where: E = Emissions in pounds per hour
P = Process weight per hour in tons per hour.

6.4.2 Where the nature of any process or operation or the design of any equipment is such as to permit more than one interpretation of this Part, the interpretation that results in the minimum value for allowable emission shall apply.

6.4.3 For purposes of this Part, the total process weight for all similar process units at a plant or premises shall be used for determining the maximum allowable emission of particulate matter that passes through a stack or stacks.

TABLE 6-2

ALLOWABLE PARTICULATE MATTER EMISSION BASED ON PROCESS WEIGHT RATE

Process Weight Rate (lb/hr)	Allowable Emission Rate (lb/hr)
100	0.56
500	1.52
1,000	2.34
5,000	6.33
10,000	9.76
20,000	14.97
60,000	29.83
80,000	31.23
120,000	33.33
160,000	34.90
200,000	36.17
1,000,000	46.79

(51.21) 6.5 Small Foundry Cupola

6.5.1 No person shall cause or permit the emission of particulate matter in any one hour from any small foundry cupola source in excess of the amount shown in Table 6-3 for the process weight per hour allocated to such source.

6.5.2 Where the nature of any process or operation or the design of any equipment is such as to permit more than one interpretation of this Part, the interpretation that results in the minimum value for allowable emission shall apply.

6.5.3 For purposes of this Part, the total process weight from all similar process units at a plant or premises shall be used for determining the maximum allowable emission of particulate matter that passes through a stack or stacks.

6.5.4 Foundry cupolas with a process weight rate greater than 50,000 pounds per hour shall be subject to the rules and regulations of Part 6.4.

TABLE 6-3

ALLOWABLE PARTICULATE MATTER EMISSION BASED ON PROCESS WEIGHT RATE FOR SMALL FOUNDRY CUPOLAS

Process Weight (lb/hr)	Allowable Emission Rate (lb/hr)
1,000	3.05
2,000	4.70
3,000	6.35
4,000	8.00
5,000	9.58
6,000	11.30
7,000	12.90
8,000	14.30
9,000	15.50
10,000	16.65
12,000	18.70
16,000	21.60
18,000	23.40
20,000	25.10
30,000	31.30
40,000	37.00
50,000	42.40

(51.1) 6.6 Cotton Gins

6.6.1 No person shall cause or permit the emission of particulate matter in any one hour from any cotton gin operation in excess of the amount shown in Table 6-4 for the process weight per hour allocated to such operation. Particulate matter emissions subject to this Part include process emissions and incinerator emissions if any; provided, however, that this shall in no way relieve or affect the application of Chapter 5 to open burning and incineration at cotton gin operations.

6.6.2 Where the nature of any process or operation or the design of any equipment is such as to permit more than one interpretation of this Part, the interpretation that results in the minimum value for allowable emission shall apply.

6.6.3 For purposes of this Part, the total process weight from all similar process units at a plant or premises shall be used for determining the maximum allowable emission of particulate matter that passes through a stack or stacks.

TABLE 6-4

ALLOWABLE PARTICULATE MATTER EMISSION BASED
ON PROCESS WEIGHT RATE FOR COTTON GINS

Process Weight Rate (lb/hr)	Allowable Emission Rate (lb/hr)	Process Weight Rate (lb/hr)	Allowable Emission Rate (lb/hr)
1,000	1.6	9,000	13.7
1,500	2.4	10,000	15.2
2,000	3.1	12,000	18.2
2,500	3.9	14,000	21.2
3,000	4.7	16,000	24.2
3,500	5.4	18,000	27.2
4,000	6.2	20,000	30.1
5,000	7.7	30,000	44.9
6,000	9.2	40,000	59.7
7,000	10.7	50,000	64.0
8,000	12.2	60,000 or more	67.4

(51.14) 6.7 Kraft Pulp Mills

6.7.1 Applicability

This part applies to manufacturing facilities for pulping of wood and the preparation and recovery of associated chemicals by the kraft process, including combined recovery systems serving other processes such as neutral sulfite pulping.

6.7.2 No person shall cause or permit the emission of particulate matter from any kraft pulp mill in excess of the amounts provided as follows:

(a) From all recovery furnaces, not more than 4.0 pounds per ton of pulp.

(b) From all smelt dissolver vents, not more than 0.5 pounds per ton.

(c) From all lime kilns, not more than 1.0 pounds per ton of pulp.

6.7.3 The pulp production rates for kraft mills referred to in this Part shall be tons of unbleached air-dries kraft pulp.

6.7.4 Notwithstanding the specific limits set forth in this Part, in order to maintain the lowest possible emission of air contaminants, the highest and best practical treatment and control for particulate matter currently available shall be provided for new kraft pulp mills.

(51.20) 6.8 Wood Waste Boilers

6.8.1 Applicability

This Part applies to boilers and other indirect heat exchangers using not less than 30% wood wastes or wood by-products as fuel measured by heat input.

6.8.2 No person shall cause or permit the emission of particulate matter from any existing wood wastes boilers in excess of 0.30 grains per standard dry cubic foot adjusted to 50% excess air. Provided that: for any existing wood wastes boiler which must be modified in order to meet the emission limitations of this Part, no person shall cause or permit the emission of particulate in excess of:

(a) 0.17 grains per standard dry cubic foot, adjusted to 50% excess air for combination gas and wood wastes boilers.

(b) 0.20 grains per standard dry cubic foot, adjusted to 50% excess air for combination oil and wood wastes boilers.

(c) 0.23 grains per standard dry cubic foot, adjusted to 50% excess air for combination coal and wood wastes boilers.

(d) 0.20 grains per standard dry cubic foot, adjusted to 50% excess air for boilers using wood wastes only.

(51.2) 6.9 Coke Ovens

6.9.1 Applicability

The provisions of this Part shall apply to all coke ovens. Each coke oven shall be considered as an individual oven.

6.9.2 Unloading

Every person operating coke ovens shall apply all reasonable measures to prevent dust emissions from coal unloading and storage.

6.9.3 Charging

No person shall cause or permit charging of coal or other solid material to a coke oven that will result in an emission of air contaminants of an opacity greater than 40 percent or No. 2 of the Ringelmann chart, other than that cause by uncombined water, for more than 5 minutes per coking cycle.

6.9.4 Coking

(a) Every person operating coke ovens shall maintain the coke oven equipment in good condition and exercise good operating practice to minimize emissions during coke production operations.

(b) No person shall cause or permit the emissions of air contaminants from a coke oven during coking of an opacity equal to or greater than 40 percent or No. 2 of the Ringelmann chart, other than that caused by uncombined water.

(c) All coke oven doors shall be operated by properly cleaning and resealing the doors after their respective ovens are pushed so as to minimize emissions.

(d) Every person operating coke ovens shall build and maintain on the plant premises a facility to maintain and promptly and efficiently repair coke oven doors, and shall maintain an inventory of coke oven door per twelve coke ovens operated.

6.9.5 Pushing

No person shall cause or permit pushing of coke from which will result in an emission of air contaminants of an opacity greater than 40 percent or No. 2 of the Ringelmann chart, other than that caused by uncombined water, for more than one (1) minute per coking cycle.

6.9.6 Quenching

No person shall operate a coke oven plant without baffles installed and operating in the quench towers. Water used for quenching must be clear water of a quality approved by the Health Officer and no water used for quenching may be contamined. Quenching operations using a closed, recycling system must use clear water, of a quality approved by the Health Officer for makeup.

6.9.7 The provisions of this Part apply to all existing coke ovens. It is recognized that these regulations are imperfect in controlling emissions from coke ovens, although they can contribute to significant lowering of air pollution. It is expected that, as the state-of-the-art in coke oven control technology develops, more stringent emission limitations will be prescribed. Many of Alabama's coke ovens have been operated since the turn of the century and, in many cases, the age and condition of the existing coke ovens preclude the installation of the state-of-the-art control devices. These older ovens should be retired from service as soon as economically possible.

(50.2)

CHAPTER 7

CONTROL OF SULFUR COMPOUND EMISSIONS

(51.6) 7.1 Fuel Combustion

7.1.1 No person shall cause or permit the operation of fuel burning installation in such a manner that sulfur oxides, measured as sulfur dioxide, are emitted in excess of 1.8 pounds per million BTU heat input.

7.1.2 Air Quality Demonstration

In addition to the requirements of Section 7.1.1, every owner or operator of a fuel burning installation having a total rating capacity greater than 1500 million BTU per hour shall:

(a) Demonstrate, to the satisfaction of the Health Officer, that the sulfur oxides emitted, either alone or in contribution to other sources, will not interfere with attainment and maintenance of any primary or secondary ambient air quality standard prescribed at Part 1.7.

(b) Demonstrate, to the satisfaction of the Health Officer that in meeting the emission limitations of Section 7.1.1, the installation will not increase emissions to the extent that resulting air quality concentrations will be greater than:

(1) those concentrations (either measured or calculated) which existed in 1970; or

(2) those concentrations (either measured or calculated) which existed during the first year of operation of any installation which began operating after January 1, 1970.

(c) Upon the direction of the Health Officer, install and maintain air quality sensors to monitor attainment and maintenance of ambient air quality standards in the areas influenced by the emissions from such installation. Results of such monitoring shall be provided to the Health Officer in a manner and form as he shall direct.

7.1.3 All calculations performed pursuant to demonstrations required by Section 7.1.2, shall assume that the fuel burning installation is operating at or above the maximum capacity which such installation is capable of being operated.

7.1.4 For purposes of this part, the total heat input from all similar fuel combustion units at a plant, premises, or installation shall be used for determining the maximum allowable emission of sulfur dioxide that passes through a stack or stacks.

7.1.5 No person shall cause or permit the emission or combustion of any refinery process gas stream that contains H_2S in concentrations greater than 150 ppm without removal of the hydrogen sulfide in excess of this concentration.

(51.18) 7.2 Sulfuric Acid Plants

No person shall cause or permit sulfur dioxide tail gas emissions from sulfuric acid manufacturing plants to exceed 6.5 lb/ton of 100 percent sulfuric acid produced. The tail gas acid mist emissions are not to exceed 0.5 lb/ton of sulfuric acid produced and the sulfur trioxide emissions are not to exceed 0.2 lb/ton of sulfuric acid produced.

(51.19) 7.3 Sulfur Recovery Plants

7.3.1 No person shall cause or permit the sulfur oxide emission from any existing sulfur recovery plant recovering sulfur from natural gas to exceed 0.16 pounds per pound of sulfur processed.

7.3.2 Except as provided by Section 7.3.1, no person shall cause or permit the sulfur oxide emission from a sulfur recovery plant to exceed 0.08 pounds per pound of sulfur processed.

(51.14) 7.4 Kraft Pulp Mills

7.4.1 Applicability

This part applies to manufacturing facilities for the pulping of wood and the production and recovery of associated chemicals by the kraft process, including combined recovery systems serving other processes such as neutral sulfite pulping.

7.4.2 No person shall cause or permit the emissions of total reduced sulfur (TRS) from recovery furnaces, lime kilns, digestors, and multiple effect evaporators to exceed 1.2 pounds (expressed as hydrogen sulfide on a dry gas basis) per ton of air-dried pulp from kraft pulp mills.

7.4.3 The pulp production rates for kraft pulp mills referred to in this Part shall be calculated as provided in Part 6.7.3.

7.4.4 Notwithstanding the specific limits set forth in this Part, in order to maintain the lowest possible emission of air contaminants, the highest and best practicable treatment and control for TRS currently available shall be provided for new kraft pulp mills.

(50.4) CHAPTER 8

CONTROL OF HYDROCARBON EMISSIONS

(51.16) 8.1 Storage of Volatile Organic Materials.

8.1.1 No person shall place, store or hold in any stationary tank reservoir or other container of more than 60,000 gallons capacity any volatile organic compounds unless such tank, reservoir, or other container is a pressure tank capable of maintaining working pressures sufficient at all times to prevent vapor or gas loss to the atmosphere or is designed, and equipped with one of the following vapor loss control devices:

(a) A floating roof, consisting of a pontoon type, double deck type roof or internal floating cover, which will rest on the surface of the liquid contents and be equipped with a closure seal or seals to close the space between the roof edge and tank wall. This control equipment shall not be permitted if the volatile organic compounds have a vapor pressure of 11.0 pounds per square inch absolute (568 mm. Hg) or greater under actual storage conditions. All tank gauging or sampling devices shall be gas-tight except when tank gauging or sampling is taking place.

(b) A vapor recovery system, consisting of a vapor gathering system capable of collecting the volatile organic compound vapors and gases discharged and a vapor disposal system capable of processing such volatile organic vapors and gases so as to prevent their emission to the atmosphere and with all tank gauging and sampling devices gas-tight except when gauging or sampling is taking place.

(c) Other equipment or means of equal efficiency for purposes of air pollution control as may be approved by the Health Officer.

(d) No person shall place, store, or hold in any new stationary vessel of more than 1,000-gallon capacity any volatile organic compound unless such vessel is equipped with a permanent submerged fill pipe or is a pressured tank as described in paragraph (a) above, or is fitted with a system as described in paragraph (b) above. Existing stationary storage vessels shall employ portable submerged fill pipes or be equipped with permanent submerged fill pipes.

8.1.2. This part shall not apply to crude petroleum produced, separated, treated or stored in the field.

(51.16) 8.2 Volatile Organic Materials Loading Facilities.

8.2.1 No person shall load any volatile organic compounds into any tank, truck or trailer from any terminal or bulk storage facility handling more than 50,000 gallons per day unless such terminal or facility is equipped with a vapor collection and disposal system, or its equivalent, properly installed, in good working order, or has in operation a loading system which will result in a 95 percent submerged fill either with a submerged fill pipe or by loading from the bottom.

8.2.2 No person shall load any volatile organic compounds into any tank, truck, or trailer having a capacity in excess of 200 gallons, unless such loading facility is equipped as set forth in Paragraph 8.2.1. Where the vapor collection and disposal system is utilized, the loading arm shall be equipped with a vapor collection adaptor, pneumatic, hydraulic, or other mechanical means which will provide a vapor-tight seal between the adaptor and the hatch. A means shall be provided to prevent liquid organic compounds drainage from the loading device when it is removed from the hatch of any tank, truck or trailer. When loading is effected through means other than the hatches, all loading lines shall be equipped with fittings which make vapor-tight connections and which close automatically when disconnected.

8.2.3 The part shall not apply to crude petroleum produced, separated, treated or stored in the field.

(51.16) 8.3 Volatile Organic Compound Water Separation.

8.3.1 No person shall use any compartment of any single or multiple compartment volatile, organic compound water separation which receives effluent water containing 1,000 gallons a day or more of any volatile organic compound, from processing, refining, treating, storing, or handling volatile organic compounds unless such compartment is equipped with one of the following vapor loss control devices, properly installed, in good working order, and in operation.

(a) A container having all openings sealed and totally enclosing the liquid contents. All gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.

(b) A container equipped with a floating roof, consisting of a pontoon type, double deck type roof, or internal floating cover, which will rest on the surface of the contents and be equipped with a closure seal or seals to close the space between the roof edge and container wall. All gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.

(c) A container equipped with a vapor recovery system consisting of a vapor gathering system capable of collecting the hydrocarbon vapors and gases discharged and vapor disposal system capable of processing such hydrocarbon vapors and gases so as to prevent emission to the atmosphere and with all container gauging and sampling devices gas-tight except when gauging or sampling is taking place.

(d) A container having other equipment of equal efficiency for purposes of air pollution control as may be approved by the Health Officer.

(50.5)

CHAPTER 9

CONTROL OF CARBON MONOXIDE EMISSIONS

9.1 No person shall emit the carbon monoxide gases generated during the operation of a grey iron cupola, blast furnace, or basic oxygen steel furnace unless they are burned at 1,300°F for 0.3 seconds or greater in a direct-flame afterburner or equivalent device equipped with an indicating pyrometer which is positioned in the working area at the operator's eye level.

9.2 No person shall emit a carbon monoxide waste gas stream from any catalyst regeneration of a petroleum cracking system, petroleum fluid coker, or other petroleum process into the atmosphere, unless the waste gas stream is burned at 1,300°F for 0.3 seconds or greater in a direct-flame afterburner or boiler equipped with an indicating pyrometer which is positioned in the working area at the operator's eye level.

(50.3) CHAPTER 10

CONTROL OF NITROGEN OXIDES EMISSIONS

(51.7) 10.1 New Combustion Sources

10.1.1 No person shall cause or permit emissions of nitrogen oxides from a new gas-fired boiler with a capacity of 250 million BTU/hr or more in excess of 0.20 pounds per million BTU of heat input per hour.

10.1.2 No person shall cause or permit emissions of nitrogen oxides from a new oil-fired boiler with a capacity of 250 million BTU/hr or more in excess of 0.30 pounds per million BTU of heat input per hour.

10.1.3 No person shall cause or permit emission of nitrogen oxides from a new coal-fired boiler with a capacity of 250 million BTU per hour or more in excess of 0.7 pounds per million BTU of heat input per hour.

10.1.4 For purposes of this part, the total heat input from all similar fuel combustion units at a plant or premises shall be used for determining the maximum allowable emission of nitrogen oxides that passes through a stack or stacks.

(51.10) 10.2 Nitric Acid Manufacturing.

No person shall cause or permit the emission of nitrogen oxides calculated as nitrogen dioxide, from nitric acid manufacturing plants in excess of 5.5 pounds per ton of 100 percent acid produced.

(12.0) CHAPTER 11

CONTROL OF EMISSIONS FROM MOTOR VEHICLES

(50.1.2) (12.0) 11.1 Visible Emission Restrictions for Motor Vehicles.

11.1.1 No persons shall cause or permit the emission of visible air contaminants from gasoline-powered motor vehicles, operated upon any street, highway or other public place, for longer than 5 consecutive seconds.

11.1.2 No person shall cause or permit the emission of visible air contaminants from diesel-powered motor vehicles and other movable sources, of a shade or density greater than 20 percent opacity for longer than 5 consecutive seconds.

11.1.3 Uncombined water. Where the presence of uncombined water is the only reason for failure of an emission to meet the requirements of the Part, such section shall not apply.

(12.0) 11.2 Ignition System and Engine Speed. All 1968 and subsequent model year gasoline-powered motor vehicles shall be maintained so as to be in compliance with the following requirements:

11.2.1 The number of revolutions per minute of an engine while operating at idle speed shall be in accordance with the specifications and determined under conditions published by the manufacturer, but in no case shall the idle speed be less than the minimum specified in such published specifications. Revolutions per minute shall be tested for accuracy and precision at reasonable intervals.

11.2.2 Ignition timing of an engine shall comply with the published specifications of the manufacturer as determined in accordance with procedures and conditions specified by the manufacturer.

11.2.3 All cylinders shall be firing.

(12.0) 11.3 Crankcase Ventilation Systems. The positive crankcase ventilation system on all 1968 and subsequent model year gasoline powered motor vehicles, except motocycles and motor tricycles, and all 1969 and subsequent model year gasoline powered motor vehicles, including motorcycles and motor tricycles, shall meet the following requirements:

11.3.1 The plumbing and connections shall be properly connected as installed by the manufacturer and free of obstructions and leakage.

11.3.2 There shall be a negative pressure (suction) at the inlet of the crankcase ventilation valve.

11.3.3 The crankcase ventilation valve shall be freely operative so as to regulate the flow of gases through the system.

(12.0) 11.4 Exhaust Emission Control System.

11.4.1 Air Injection System. Exhaust emission control air injection systems of those gasoline powered motor vehicles so equipped by the manufacturer shall operate so that:

(a) The air delivery hoses, connections, and air distribution manifold shall be properly connected as installed by the manufacturer and free of obstructions and leakage.

(b) The air compressor drive belt tension shall be within manufacturer's specifications.

(c) There is a positive air flow from the air pump to the air delivery distribution manifold.

(d) The check valve prevents any reverse air flow from the air distribution manifold out through the check valve inlet.

(e) The anti-backfire valve, gulp-valve, air bypass valve, or other similar device with the same function permits the passage of air from the air pump to the exhaust manifold or manifolds, except when the carburator throttle is closed rapidly from an open position as in deceleration.

11.4.2 Engine Modification Systems. All vacuum control valves, vacuum lines, mechanical linkage, electrical circuits and switches peculiar to certain engine modification systems shall be properly connected as installed on all 1968 and subsequent model year gasoline-powered motor vehicles so equipped by the manufacturer.

11.4.3 Other Exhaust Emission Control Systems. Any other exhaust emission control system, other than air injection or engine modification, which is installed or incorporated in a motor vehicle in compliance with Federal motor vehicle pollution control regulations shall be maintained in good operable conditions as specified by the manufacturer and shall be used at all times that the motor vehicle is operated.

11.4.4 The requirements of this Part shall apply to all gasoline-powered motor vehicles with the following exceptions:

(a) Vehicles of 1967 or earlier model year.

(b) Vehicles not equipped by the manufacturer with exhaust emission control air injection systems.

(c) Motor vehicles with an engine displacement of less than 50 cubic inches (819.35 cubic centimeters).

(12.0) 11.5 Evaporative Loss Control Systems. The evaporative loss control systems or devices designed and installed on 1972 and subsequent model year gasoline-powered motor vehicles shall be maintained in an operable condition such that the system or device continues to reduce or prevent the emission to the atmosphere of the vapors of the Hydrocarbon fuel contained in the fuel tank, carburetor, and/or fuel pump of the motor vehicle.

(2.0) 11.6 Other Prohibited Acts. In addition to the other strictures contained in this Chapter, no person shall cause, suffer, allow, or permit the removal, disconnection, and/or disabling of a positive crankcase ventilator, exhaust emission control system or evaporative loss control system which has been installed on a motor vehicle, nor shall any person defeat the design purpose of any such motor vehicle pollution control device by installing therein or thereto any part or component which is not a comparable replacement part or component of the device. Provided that:

11.6.1 The components or parts of emission control systems on motor vehicles may be disassembled or reassembled for the purpose of repair and maintenance in proper working order.

11.6.2 Components and parts of emission control systems may be removed and replaced with like components and parts intended by the manufacturer for such replacement.

11.6.3 The provisions of this Part shall not apply to salvage operations on wrecked motor vehicles when the engine is so damaged that it will not be used again for the purpose of powering a motor vehicle on a highway.

(2.0) 11.7 Effective Date. The provisions of this Chapter shall become effective sixty (60) days from the date of its adoption and promulgation.

MOBILE COUNTY BOARD OF HEALTH
AIR POLLUTION CONTROL RULES AND REGULATIONS

(2.0) CHAPTER 1 -- GENERAL PROVISIONS

(2.0) 1.1 Declaration of Policy and Purposes

1.1.1

It is hereby declared to be the public policy of the Mobile County Board of Health and the purpose of these regulations to achieve and maintain such levels of air quality as will protect human health and safety, and to the greatest degree practicable, prevent injury to plant and animal life and property, foster the comfort and convenience of the people, promote the social development of Mobile County and facilitate the enjoyment of the natural attractions of this County.

1.1.2

To these ends it is the purpose of these regulations to provide for a coordinated program of air pollution prevention, abatement and control in Mobile County; to facilitate cooperation with the Alabama Air Pollution Control Commission and its technical staff; and to provide a framework consistent with Act 769, Alabama Legislature, Regular Session 1971, within which all values may be balanced in the public interest.

(2.0) 1.2 Structure and Numbering of Rules and Regulations

1.2.1 Title and Scope

The provisions contained in these rules and regulations shall be known and may be cited as the Mobile County Air Pollution Control Rules and Regulations, and shall apply to all activities and all persons in Mobile County, Alabama, including Federal and State activities.

1.2.2 Chapters

The normal division of these rules and regulations are chapters, which should encompass a broad subject matter. Chapters are numbered consecutively in Arabic throughout the rules and regulations.

1.2.3 Parts

The normal division of chapters are parts. A part should be devoted to a specific subject matter within a chapter., Parts are numbered consecutively in Arabic throughout each chapter and shall include the number of the chapter set off by a decimal pount. Thus, the part number for part 15 within Chapter 3 is 3.15.

1.2.4 Sections

The normal divisions of parts are sections. The section is the basic unit of these rules and regulations. Sections are numbered consecutively in Arabic throughout each part and shall include the numbers of the part set off by a decimal pount. Thus, the section number for Section 26 of Part 3.15 is 3.15.26.

1.2.5 Internal Division of Sections

Whenever internal divisions are necessary, sections shall be subdivided into paragraphs, paragraphs into subparagraphs, and subparagraphs into subdivisions, designated as follows:

Terminology:	Illustrative Symbol:
Paragraph	(a)
Subparagraph	(1)
Subdivision	(i)

1.2.6 Promulgation Procedure

All requirements and provisions subject to inclusion in these rules and regulations shall be drafted as amendments to the Mobile County Air Pollution Control Rules and Regulations and prepared in accordance with the provisions of this part and with, insofar as it applies and does not conflict with this part, the provisions of Part 17 of Title 1 of the Code of Federal Regulations, as the same may be amended or revised.

(1.0) 1.3 Definitions

As used in these rules and regulations, terms shall have the meaning ascribed in this part.

1.3.1 Act

Shall mean the Alabama Air Pollution Control Act of 1971, Act No. 769, Regular Session, 1971.

1.3.2 Air Contaminant

Shall mean any solid, liquid, or gaseous matter, any odor, or any combination thereof, from whatever source.

1.3.3 Air Pollution

Shall mean the presence in the outdoor atmosphere of one or more air contaminants in such quantities and duration as are, or tend to be, injurious to human health or welfare, animal or plant life, or property, or would interfere with the enjoyment of life or property throughout the County and in such territories of the County as shall be affected thereby.

1.3.4 Air Pollution Emergency

Shall mean a situation in which meteorological conditions and/or contaminant levels in the ambient air reach or exceed the levels which may cause imminent and substantial endangerment to health.

1.3.5 Board

Shall mean the Mobile County Board of Health.

1.3.6 Chairman

Shall mean the Chairman of the Mobile County Board of Health.

1.3.7 Commenced

Shall mean than an owner or operator has undertaken a continuous program of construction or modification or than an owner or operator has entered into a binding agreement or contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

1.3.8 Commission

Shall mean the "Air Pollution Control Commission of the State of Alabama" established by the Act.

1.3.9 Construction

Shall mean fabrication, erection, or installation of an affected facility.

1.3.10 Control

Shall mean any device which has the function of controlling the emissions from a process, fuel-burning, or refuse-burning device and thus reduces the creation of, or the emission of air contaminants into the atmosphere, or both.

1.3.11 Control Regulation

Shall mean a legally enforceable emission control strategy.

1.3.12 Control Strategy

Shall mean a collection of various emission standards selected for the different categories of sources.

1.3.13 County

Shall mean Mobile County, Alabama.

1.3.14 Director

Shall mean the Director of the Bureau of Environmental Health of the Mobile County Board of Health, or in his absence, the designated Acting Director, or Assistant Director of the Bureau of Environmental Health.

1.3.15 Effluent Water Separator

Shall mean any tank, box, sump, or other container in which any volatile organic compound floating on or entrained or contained in water entering such tank, box, sump, or other container is physically separated and removed from such water prior to outfall, drainage, or recovery of such water.

1.3.16 Emission

Shall mean a release into the outdoor atmosphere of air contaminants.

1.3.17 Existing Source

Shall mean any source in operation or on which construction has commenced on the date of initial adoption of an applicable rule or regulation; except that any existing source which has undergone modification after the date of initial adoption of an applicable rule or regulation, shall be reclassified and considered a new source.

1.3.18 Federal Act

Shall mean the Clean Air Act (42 U.S.C. 185 et seq.) as last amended, and as may hereafter be amended.

1.3.19 Fuel-Burning Equipment

Shall mean any equipment, device or contrivance and all appurtenances thereto, including ducts, breechings, fuel-feeding equipment, ash removal equipment, combustion controls, stacks and chimney, used primarily, but not exclusively, to burn any fuel for the purpose of indirect heating in which the material being heated is not contacted by and adds no substance to the products of combustion.

1.3.20 Fugitive Dust

Shall mean solid air-borne particulate matter emitted from any source other than a flue or stack.

1.3.21 Health Officer

Shall mean the Health Officer of the Mobile County Board of Health or his designee.

1.3.22 Heat Available

Shall mean the aggregate heat content of all fuels whose products of combustion pass through a stack or stacks.

1.3.23 Reserved

1.3.24 Incinerator

Shall mean any equipment, device or contrivance and all appurtenances thereof used for the destruction by burning of solid, semi-solid, liquid, or gaseous combustible wastes.

1.3.25 Maximum Process Weight Per Hour

Shall mean the equipment manufacturer's or designer's guaranteed maximum (whichever is greater) process weight per hour.

1.3.26 Modification

Shall mean any physical change in, or change in the method of operation of, an affected source which increases the amount of any air contaminant (to which a rule or regulation applies) emitted by such source or which results in the emission of any air contaminant (to which a rule or regulation applies) not previously emitted, except that:

(a) Routine maintenance, repair, and replacement shall not be considered physical changes, and

(b) The following shall not be considered a change in the method of operation:

    (1) An increase in the production rate;
    (2) An increase in hours of operation;
    (3) Use of an alternative fuel or raw material.

1.3.27 New Source

Shall mean any source built or installed after the date of initial adoption of an applicable rule or regulation and any source existing at said stated time which later undergoes modification. Any source moved to another premise involving a change of location after the date of initial adoption of an applicable rule or regulation shall be considered a new source.

1.3.28 Odor

Shall mean smells or aromas which are unpleasant to persons, or which tend to lessen human food and water intake, interfere with sleep, upset appetite, produce irritation of the upper respiratory tract, or cause sysptoms of nausea, or which by their inherent chemical or physical nature, or method of processing, are, or may be, detrimental or dangerous to health. Odor and smell are used interchangeable herein.

1.3.29 Opacity

Shall mean the obscuration to an observer's view produced by smoke of any color that is equivalent to an obscuration by smoke of a shade specified in the Ringelmann Smoke Chart published by the United States Bureau of Mines.

1.3.30 Open Burning

Shall mean the burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the ambient air without passing through an adequate stack, duct, or chimney.

1.3.31 Operating Time

Shall mean the number of hours per year that a source conducts operations.

1.3.32 Organic Materials

Shall mean any chemical compounds of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonates, and ammonium carbonate.

1.3.33 Organic Solvents

Shall mean organic materials, which include diluents and thinners, which are liquids at standard conditions and which are used as dissolvers, viscosity reducers, or cleaning agents.

1.3.34 Owner or operator

Shall mean any person who owns, leases, operates, controls, or supervises an affected facility, article, machine, equipment, other contrivance, or source.

1.3.35 Particulate Matter

Shall mean finely divided material, except uncombined water which is liquid or solid at standard conditions of temperature at 70 Degrees F and Pressure at 14.7 pounds per square inch absolute.

1.3.36 Person

Means the State, any individual, partnership, firm, association, municipality, public or private corporation or institution, political subdivision or agency of the State, including any Environmental Improvement Authority established pursuant to Act Number 1117, Regular Session of 1969 (General Acts 1969, p. 2060), any trust, estate, or any other legal entity and any successor, representative, agent, or agency of the foregoing, the United States or any department, agency or instrumentality of the executive, legislative or judicial branches of the Federal Government.

1.3.37 Photochemically Reactive Solvent

Shall mean any solvent with an aggregate of more than 20 percent of its total volume composed of the chemical compounds classified below or which exceeds any of the following individual percentage composition limitations, referred to the total volume of solvent;

(a) A combination of hydrocarbons, alcohols, aldehydes, esters, ethers, or ketones having an olefinic or cyclo-olefinic type of unsaturation: 5 percent;

(b) A combination of aromatic compounds with either eight or more carbon atoms to the molecule except ethylbenzene: 8 percent;

(c) A combination of ethylbenzene, ketones having branched hydrocarbon structures, or toluene: 20 percent.

1.3.38 Process

Shall mean any action, operation, or treatment of materials, including handling and storage thereof, which may cause discharge of an air contaminant, or contaminants, into the atmosphere, but excluding fuel burning and refuse burning.

1.3.39 Process Weight

Shall mean the total weight in pounds of all materials introduced into any specific process which may cause any discharge into the atmosphere.

1.3.40 Process Weight Per Hour

Shall mean the total weight of all materials introduced into any specific process that may cause any discharge of particulate matter. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. For a cyclical or batch operation, the process weight per hour will be derived by dividing the total process weight by the number of hours in one complete operation, the process weight per hour will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle. For a continuous operation, the process weight per hour will be derived by dividing the process weight for a typical period of time by that time period.

1.3.41 Refuse

Shall mean matter consisting of garbage, rubbish, ashes, street debris, dead animals, abandoned vehicles, industrial wastes, demolition wastes, construction wastes, special wastes, or sewage treatment residue.

1.3.42 Ringelmann Chart

Shall mean the chart published and described in U.S. Bureau of Mines Information Circular 8333.

1.3.43 Smoke

Shall mean gas-borne particles resulting from incomplete combustion, consisting predominantly, but not exclusively, of carbon, ashes, or other combustible material.

1.3.44 Soiling Index

Shall mean a measure of the soiling properties of suspended particles in air determined by drawing a measured volume of air through a known area of Whatman No. 4 filter paper for a measured period of time, expressed as COHs/ 1,000 linear feet.

1.3.45 Source

Shall mean any building, structure, facility, installation, article, machine, equipment, device, or other contrivances which emits or may emit any air contaminant. Any activity which utilizes abrasives or chemicals for cleaning or any other purpose (such as cleaning the exterior of buildings) which emits air contaminants shall be considered a source.

1.3.46 Stack or Ducts

Shall mean any flue duct, or other contrivance arranged to conduct emissions to the open air.

1.3.47 Startup

Shall mean the setting in operation of an affected source for any purpose.

1.3.48 State

Shall mean the State of Alabama.

1.3.49 Submerged Fill Pipe

Shall mean any fill pipe, the discharge opening of which is entirely submerged when the liquid level is 6 inches above the bottom of the tank; or when applied to a tank which is loaded from the side, shall mean any fill pipe, the discharge opening of which is entirely submerged when the liquid level is two times the fill pipe diameter, in inches, above the bottom of the tank.

1.3.50 Uncombined Water

Shall mean any water droplets or water vapor condensate that does not contain any other solid or liquid particulate matter attached to the water droplets.

1.3.51 Volatile, Organic Compounds

Shall mean any compound containing carbon and hydrogen or containing carbon and hydrogen in combination with any other elements which has a vapor pressure of 1.5 pounds per square inch absolute or greater under actual storage conditions.

1.3.52 Total Reduced Sulfur (TRS)

Shall mean hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide, and any other organic sulfides present.

1.3.53 Model Year

Shall mean the annual production period of new motor vehicles designated by the calendar year in which such period ends, provided that if the manufacturer does not so designate vehicles manufactured by him, the model year with respect to such vehicles shall mean the twelve month period beginning January 1 of the year specified herein.

1.3.54 Motor Vehicle

Shall mean every self-propelled device in or upon or by which, any person or property is, or may be, transported or drawn upon a public highway.

(2.0) 1.4 Air Pollution Control Program.

There is hereby created within the Bureau of Environmental Health of the Mobile County Board of Health an Air Pollution Control Program. The Director of the Bureau of Environmental Health shall administer these regulations and the program under the direction of the Health Officer.

(2.0) 1.5 Powers and Duties of the Mobile County Board of Health.

The Mobile County Board of Health shall have the following powers and duties:

1.5.1

To hold hearings relating to any aspect of or matter in the administration of these regulations, and in connection therewith, compel the attendance of witnesses and the production of evidence.

1.5.2

To issue such orders as may be necessary to affectuate the purposes of these regulations and enforce the same by all appropriate administrative and judicial proceedings.

1.5.3

To issue such orders as may be necessary to effectuate the purpose of these regulations and enforce the same by all appropriate administrative and judicial proceedings.

1.5.4

To secure necessary scientific, technical. administrative and operational services, including laboratory facilities, by contract or otherwise.

1.5.5

To prepare and develop a comprehensive plan or plans for the prevention, abatement and control of air pollution in Mobile County.

1.5.6

To encourage voluntary cooperation by persons and affected groups to achieve the purposes of these regulations.

1.5.7

To encourage and conduct studies, investigations and research relating to air contamination and air pollution and their causes, effects, prevention, abatement and control.

1.5.8

To determine, by means of field studies and sampling, the degree of air contamination and air pollution in the County and the several parts thereof.

1.5.9

To make a continuing study of the effects of the emission of air contaminants from motor vehicles on the quality of the outdoor atmosphere of Mobile County and the several parts thereof, and make recommendations to appropriate public and private bodies with respect thereto.

1.5.10

To collect and disseminate information and conduct educational and training programs relating to air contamination and air pollution.

1.5.11

To advise, consult, contract and cooperate with agencies of the State, local governments, industries, other states, interstate or interlocal agencies, and the Federal Government, and with interested persons or groups.

1.5.12

To consult, upon request, with any person proposing to construct, install or otherwise acquire an air contaminant source or device or system for the control thereof, concerning the efficacy of such device or system, or the air pollution problem which may be related to the source, device or system. Nothing in any such consultation shall be construed to relieve any person from compliance with the Act, these regulations, or any other provision of law.

1.5.13

To accept, receive and administer grants or other funds or gifts from public and private agencies, including the Federal and State Government, for the purpose of carrying out any of the functions of these regulations.

1.5.14

To provide for the establishment of advisory committees, appointment of the membership of such committees, scope of investigation, and other duties, of such committees.

1.5.15

To require from any person reports containing information as may be required by the Health Officer concerning location, size and height of contaminant outlets,processes employed, rules used and the nature and time periods or duration of emissions, and such other information as is relevant to air pollution.

1.5.16

To provide for the delegation of the authority of the Health Officer to employees of the Mobile County Board of Health for the performance of any act or duty necessary or incidental to the administration of the Act or these regulations.

1.5.17

To determine and establish a fee schedule related to activities of the air pollution control program and to provide for collection of same as provided for in Alabama Act Number 769, Regular Session, 1971.

(14.0) 1.6 Availability of Records and Information

1.6.1 Public Inspection of Records

Except as is provided in this part, any records, reports or information obtained under the Act or these regulations and the official records of the Board shall be available to the public for inspection. Requests to inspect such records should state the general subject matter of the records sought to be inspected to permit identification and location.

1.6.2 Exceptions

Upon a showing satisfactory to the Health Officer by any person that records, reports, or information, or particular part thereof, (other than emission data) to which the Board has access if made public, would divulge production or sales figures or methods, processes or production unique to such person, or would otherwise tend to affect adversely the competitive position of such person by revealing trade secrets. the Board and the Health Officer shall consider such record, report, or information or particular portion thereof confidential in the administration of the Act.

1.6.3 Creation of Record

Records will not be created by compiling selected items from other documents at the request of a member of the public, nor will records be created to provide the requester with data such as ratios, proportions, percentages, frequency distribution, trends, correlations, or comparisons.

1.6.4 Denial of Requests, for, or Non-existence of, Information

If it is determined pursuant to this Part that requested information will not be provided or that, to the best knowledge of the Health Officer, requested information does not exist, the Health Officer shall notify in writing the party requesting the information that the request is either denied or cannot be fulfilled.

1.6.5 Copies of Documents

If it is determined that information requested may be disclosed, the requesting party shall be afforded the opportunity to obtain copies of the documents containing such information. However, records shall not be released for copying by non-Board personnel except by permission of the Health Officer. When a determination not to disclose a portion of Information requested has been made, records shall be masked for copying of non-excepted portions of the information. If copies of information are requested, the Health Officer may furnish said copies at a price to be set by the Health Officer that would compensate for the cost of producing the requested copies.

1.6.6 Disclosure of Information

Nothing herein shall be construed to prevent disclosure of such report, record or information to Federal or State representative as necessary for purposes of administration of the Program or of any Federal or State Air Pollution Control Law, or when relevant in any proceeding under the Act or these regulations.

1.6.7 Correlation of Information

As soon as practicable, the Health Officer shall provide for public availability of emission data reported by source owners or operators or otherwise obtained by the Health Officer. Such emission data shall be correlated with applicable emission limitations or other measures. As used in this section, "correlated" means presented in such a manner as to show the relationship between measured or estimated amounts of emissions and the amounts of such emissions allowable under these rules and regulations.

(4.0) 1.7 Ambient Air Quality Standards

1.7.1 Primary and Secondary Standards

The National primary ambient air quality standards and national secondary ambient air quality standards and accompanying appendices of reference methods, set forth as Part 50 of Title 40 of the Code of Federal Regulations, as the same may be amended or revised, are hereby incorporated and made a part of these regulations, and shall apply throughout the county.

1.7.2 Policy

It is the objective of the Board to obtain and maintain the ambient air quality standards of this Part in achieving the policy and purpose of the Act and as required by the Federal Act. The adoption hereby of the national primary and secondary ambient air quality standards shall not be considered in any manner to allow significant deterioration of existing air quality in any portion of the county.

1.7.3 Attainment of Primary Standard

These rules and regulations and the administration of the Air Pollution Control Program shall provide for the attainment of the national primary ambient air quality throughout the county as expeditiously as practicable, but in no case later than three years after the date of initial adoption of these rules and regulations or within the time limits specified by Section 110 (a) of the Clean Air Act, as amended (84 Stat. 1680), whichever is later.

1.7.4 Attainment of Secondary Standard

To the extent practicable and feasible, these rules and regulations and the administration of the Air Pollution Control Program shall strive for the attainment of the national secondary ambient air quality throughout the county concurrently with the attainment of the national primary ambient air quality standard as provided in Section 1.7.3.

(9.0) 1.8 Inspections

The Health Officer or his authorized representative may enter and inspect any property, premises or place on or at which an air contaminant source is located or is being constructed, installed or established at any reasonable time for the purpose of ascertaining the state of compliance with these regulations. No person shall refuse entry or access to the Health Officer or his authorized representative who requests entry for purposes of inspection, and who presents appropriate credentials; nor shall any person obstruct, hamper or interfere with any such inspection. If requested, the owner or operator of the premises shall receive a report setting forth all facts found which relate to compliance status.

(9.0) (13.0) 1.9 Monitoring, Records, Reporting

1.9.1

The Health Officer may require the owner or operator of any air contaminant source to establish and maintain such records; make such reports; install, use and maintain such monitoring equipment or methods; sample such emissions in accordance with such methods, at such locations, intervals and procedures as the Health Officer shall prescribe; and provide such periodic emission reports as required in Section 1.9.2.

1.9.2 Required Reports

Records and reports as the Health Officer may prescribe on air contaminants or fuel shall be recorded, compiled and submitted on forms furnished by the Health Officer or when forms are not so furnished, then in formats approved by the Health Officer.

(9.0) 1.10 Sampling and Testing Methods

1.10.1 Methods

All required sampling and testing shall be made and the results calculated in accordance with sampling and testing procedures and methods approved by the Health Officer. All required samples and tests shall be made under the direction of persons qualified by training and/or experience in the field of air pollution control.

1.10.2 Standard Methods

The Health Officer, to the extent practicable, should recognize and approve the test methods and procedures established by Part 60 of Title 40 of the Code of Federal Regulations, as the same may be amended or revised.

1.10.3

The Health Officer or his authorized representative may conduct tests and take samples of air contaminants, fuel, process material or other material which affects or may affect emission of air contaminants from any source. Upon request of the Health Officer, the person responsible for the source to be tested shall provide necessary holes in stacks or ducts and such other safe and proper sampling and testing facilities exclusive of instruments and sensing devices as may be necessary for proper determination of the emission of air contaminants. If the Health Officer or his authorized representative during the course of an inspection obtains a sample of air contaminant, fuel, process material, or other material, he shall give the owner or operator of the equipment or fuel facility a receipt for the sample obtained.

1.10.4 Report to Owner or Operator

At the conclusion of any inspection under Part 1.3 of these regulations, or at the completion of any testing or sampling under this Part, the owner or operator of the premises, if he so requests, shall receive a report setting forth all facts found which relate to compliance status with these rules and regulations.

(6.0) 1.11 Compliance Schedule

1.11.1 Scope

Except as otherwise specified, compliance with the provisions of these rules and regulations shall be according to the time schedule of this Part.

1.11.2 New Sources

All new sources shall comply with the applicable rules and regulations of Chapter 5 et seq. within 60 days after achieving the maximum production rate at which the affected source will be operated, but not later than 120 days after initial startup of such source, unless the Health Officer specifies another period of time as a condition to the issuance of any Permit under Chapter 3.

1.11.3 Existing Sources

All existing sources not in compliance as of the date of initial adoption of an applicable rule or regulation contained in Chapter 5 et seq. shall be in compliance within 6 months of such initial date unless the owner or operator responsible for the operation of such source shall have submitted to the Health Officer in a form and manner satisfactory to him, a control plan and schedule for achieving compliance, such plan and schedule to contain a date on or before which full compliance will be attained, and such other information as the Health Officer may require. Any such plan and schedule expected to extend over a period of 18 or more months from such initial date shall include provisions for periodic increments of progress toward full compliance. If approved by the Health Officer, such dates shall be the dates on which such owner or operator shall achieve incremental progress and full compliance. The Health Officer may require persons to submit subsequent periodic reports on progress in achieving compliance. In no event shall the control plan and schedule exceed 3 years from the date of initial adoption of an applicable rule or regulation. The provisions of this Section shall not apply to sources for which permits are required under Chapter 3.

1.11.4

Nothing in this Part shall relieve any person, or any new or existing source from complying with the provisions of Chapters 1 through 4 of these rules and regulations.

(7.0)
(13.0)

1.12 Maintenance and Malfunctioning of Equipment; Reporting

1.12.1 Maintenance; Reporting

In the case of shutdown of air pollution control equipment (which operates pursuant to any permit issued by the Health Officer) for necessary scheduled maintenance, the intent to shutdown such equipment shall be reported to the Health Officer at least twenty-four (24) hours prior to the planned shutdown, unless such shutdown is accompanied by the shutdown of the source which such equipment is intended to control. Such prior notice shall include, but is not limited to the following:

(a) Identification of the specific facility to be taken out of service as well as its location and permit number.

(b) The expected length of time that the air pollution control equipment will be out of service.

(c) The nature and quantity of emissions of air contaminants likely to occur during the shutdown period.

(d) Measures such as the use of off-shift labor and equipment that will be taken to minimize the length of the shutdown period.

(e) The reasons that it would be impossible or impractical to shutdown the source operation during the maintenance period.

1.12.2 Malfunction; Reporting

In the event that any emission source, air pollution control equipment, or related facility fails or breaks down in such a manner as to cause the emission of air contaminants in violation of these rules and regulations, the person responsible for such source, equipment, or facility shall notify the Health Officer within 24 hours of such failure or breakdown and provide a statement giving all pertinent facts, including the estimated duration of the breakdown. The Health Officer shall be notified when the condition causing the failure or breakdown has been corrected and such source, equipment, or facilty is again in operation.

(2.0) 1.13 Prohibition of Air Pollution

No person shall permit or cause air pollution as defined in Section 1.3.3 of this Chapter by the discharge of any air contaminant for which no ambient air quality standards have been set under Section 1.7.1.

(15.0) 1.14 Penalties and Citations

1.14.1

Any person who violates any provision of these regulations or who violates any determination or order of the Health Officer pursuant to these regulations shall be liable to a penalty not to exceed $10,000 for said violation and an additional penalty not to exceed $10,000 for each day during which such violation continues, which penalty may be recovered by the Mobile County Board of Health in a civil action in the Circuit Court of said county and such person may also be enjoined from continuing such violation.

1.14.2

Any money penalty so recovered shall be deposited in the Treasury of the Mobile County Board of Health, to the account of the Air Pollution Control Program of the Mobile County Board of Health.

1.14.3

It shall be the duty of the District Attorney of the Judicial Circuit having jurisdiction in Mobile County to bring such actions in the Circuit Court at the request of the Mobile County Board of Health in the name of Mobile County, Alabama. The Mobile County Board of Health may at its option also commence such actions utilizing attorneys employed by the Mobile County Board of Health.

1.14.4

Any person who knowingly violates or fails or refuses to obey or comply with any provision of these regulations or knowingly submits any false information required by these regulations shall be guilty of a misdemeanor and upon conviction shall be punished as provided by law.

1.14.5

The Mobile County Board of Health hereby authorized the Health Officer to issue citations to any person violating any provisions of these regulations. Said citation commanding said person to cease and desist from violating the provisions of these regulations. The citation shall specify the provision or provisions of these regulations alleged to be violated and shall specify generally the facts alleged to constitute a violation thereof. Said citation shall command the person to appear at a hearing in person or by attorney at a time and place specified before the Board of Health or its appointed hearing officer and show cause why a prosecution for the violation of the provision or provisions of these regulations should not be commenced. No citation shall be issued for an appearance before the Board of Health or its appointed hearing officer on a date less than 10 days next after the issuance thereof, except when an emergency air episode has been declared, in which case appearance may be required within 24 hours. The citation may be directed to a business or corporation or to the president, manager, superintendent, or other person in charge of the business or corporation. The citation may be executed by leaving a copy thereof at any office of the business or corporation or by leaving a copy with some person at said office or at the residence of the president, manager, superintendent, or other person in charge.

1.14.6

The issuance of a citation shall not be a condition precedent to the beginning of a prosecution under section 1.14.1 and 1.13.3 hereof; however, where a citation has been issued the accused shall be afforded an opportunity to be heard upon said citation before any prosecution is commenced hereunder. At the conclusion of the hearing on the citation the Mobile County Board of Health may cause a prosecution to be commenced for said violation in which case the Mobile County Board of Health shall direct the Health Officer or his authorized representative to appear before a Magistrate authorized to take oaths and issue warrants of arrest in the County where the air contaminant source is located and make affidavit setting out the findings of the Mobile County Board of Health. The Magistrate shall forthwith issue a warrant of arrest for the party charged commanding any Sheriff or other officer of the State authorized by state law to execute warrants or arrest, to arrest the defendant and forthwith bring him before the Magistrate. The warrant shall be returnable to the court charged with jurisdiction to try misdemeanors committed in Mobile County, Alabama. The Board shall not cause a prosecution to be commenced if it finds that the proximate cause of the alleged violation was not the fault of the alleged defender.

1.14.7

The testimony taken at any hearing before the Mobile County Board of Health may be under oath and may be recorded stenographically, but the parties shall not be bound by the strict rules of evidence prevailing in the courts of law and equity. True copies of any transcripts and of any other record made of or at such hearing shall be furnished to any party hereto upon request and on payment of the reasonable cost of making such transcript.

(2.0) **1.15 Circumvention**

No person shall cause or permit the installation or use of any device or any means which, without resulting in reduction in the total amount of air contaminant emitted, conceals or dilutes any emission of air contaminant which would otherwise violate these rules and regulations.

(2.0) **1.16 Severability**

The provisions of these rules and regulations and the various applications thereof are declared to be severable and if any chapter, part, section, paragraph, subparagraph, subdivision, clause, or phrase of these rules and regulations shall be adjudged to be invalid or unconstitutional by any court of competent jurisdiction, the judgment shall not affect, impair or invalidate the remainder of these rules and regulations, but shall be confined in its operation to the chapter, part, section, paragraph, subparagraph, subdivision, clause, or phrase of these rules and regulations that shall be directly involved in the controversy in which such judgment shall have been rendered.

(8.0) CHAPTER 2 -- AIR POLLUTION EMERGENCY

(8.0) 2.1 Air Pollution Emergency

The Health Officer is authorized and empowered to enforce or require enforcement of any provisions of this Chapter throughout the territorial limits of Mobile County, Alabama.

(2.0) 2.2 Powers and Duties of the Health Officer

2.2.1

Any other provisions of law to the contrary notwithstanding, if the Health Officer finds that a generalized condition of air pollution exists and that it creates an emergency requiring immediate action to protect human health or safety, the Health Officer shall order persons causing or contributing to the air pollution to reduce or discontinue immediately the emission of air contaminants, and such order shall fix a place and time, not later than twenty-four hours thereafter, for a hearing to be held before the Board. Not more than twenty-four hours after the commencement of such hearing, and without adjournment thereof, the Board shall affirm, modify or set aside the order of the Health Officer.

2.2.2

In the absence of a generalized condition of air pollution of the type referred to in Section 2.2.1 of this part, but if the Health Officer finds that emissions from the operation of one or more air contaminant source is causing imminent danger to human health or safety, he may order the person or persons responsible for the operation or operations in question to reduce or discontinue emissions immediately. In such event, the requirements for hearing and affirmance, modification or setting aside of orders set forth in Section 2.2.1 of this part shall apply.

2.2.3

Nothing in this Section shall be construed to limit any power which the Health Officer, the Alabama Air Pollution Control commission, the Governor or any other officer may have to declare an emergency and act on the basis of such declaration, if such power is conferred by statute or constitutional provision, or inheres in the office.

2.2.4

In addition to, and without in any way limiting the foregoing, if the Health Officer or any three members of the Board determines at any time that air pollution in Mobile County or in any portion of the County constitutes an emergency risk to the health of those present in the County or said area of the County, and that the resources of the Mobile County Board of Health are not sufficient to abate said air pollution, such determination shall be communicated by telephone and in writing, with the factual findings on which such determination is based to the Director of the Division of Air Pollution Control of the Alabama Department of Public Health or to the State Health Officer in his capacity as Chairman of the Alabama Air Pollution Control Commission or to the Environmental Protection Agency of the Federal Government. Such communication shall request assistance in the abatement of said air pollution emergency consistent with the provisions of Act 769, Alabama Legislature, Regular Session 1971, and the Federal Clean Air Act as amended. The County Health Officer may delegate to the Assistant Health Officer or to the Director the power to make said determinations and deliver the same to the Director of the Division of Air Pollution Control of the Alabama Department of Public Health or to the State Health Officer or the Environmental Protection Agency in the name of the Health Officer.

(8.0) 2.3 Episode Criteria

When the Health Officer determines that conditions justify the proclamation of an air pollution episode stage, due to the accumulation of air contaminants in any place within the County, attaining levels which could, if sustained or exceeded, lead to a substantial threat to the health of persons, he shall be guided by the following criteria.

2.3.1

Episode stages shall be determined and declared upon the basis of average concentration recorded at any monitoring station in the County.

2.3.2

If contamination and meteorology warrant, and advanced episode stage may be declared by the Health Officer without first declaring a lesser degree of Alert or Watch. The Health Officer shall, at his discretion, declare a lesser stage, the termination or the continuance of the advanced episode stage during such times when contamination and meteorological conditions moderate significantly after an advanced episode stage has been declared.

2.3.3 Episode Watch

The Health Officer shall declare an Episode Watch when one or more of the following events take place.

(a) An Atmospheric Stagnation Advisory is issued by the National Weather Service, stating that atmospheric conditions marked by a slow moving high pressure system, light winds, and temperature inversions are expected to affect Mobile County or portions thereof for the next 36 hours.

(b) A forecast by local meterologist that stagnant atmospheric conditions as described above could result in high air pollution levels in Mobile County or portions thereof.

(c) Validated reports of abnormally high air pollution measurements, specifically, reaching or exceeding 50 percent of the Alert level of Section 2.3.4 for at least three consecutive hours at a given locality in the County.

2.3.4 Alert

The Health Officer shall declare an Alert when any one of the following contaminant concentrations is measured at any monitoring site, and due to adverse meteorological conditions can be expected to remain at these levels or higher for the next 12 hours or more unless control measures are taken:

(a) Sulfur Dioxide. Measured by continuous coulometric or colorimetric analyzer, or equivalent.
24-hour average, 0.30 ppm (800 $\mu g/m^3$)

(b) Particulates. Measured by sequential tape sampler, two-hour accumulations (soiling index).
24-hour average, 3.0 COHS per 1000 linear feet or measured by Hi Vol (high volume sampler), 24-hour accumulation.
24-hour average, 375 $\mu g/m^3$

(c) Sulfur Dioxide and Particulates Combined. Product of concurrent 24-hour average concentrations.
sulfur dioxide, ppm, times particulates, COHS, equals 0.2
Sulfur dioxide, $\mu g/m^3$, time particulates, $\mu g/m^3$, equals 65,000

(d) Carbon Monoxide. Measured by continuous non-dispersive infrared analyzer, or equivalent.
8-hour average, 15 ppm (17 mg/m^3)

(e) Nitrogen Dioxide. Measured by continuous analyzer, or equivalent.
24-hour average, 0.15 ppm (282 μg/m^3)
Or 1-hour average, 0.6 ppm (1130 μg/m^3)

(f) Photochemical Oxidants. Measured by continuous chemiluminescent analyzer or equivalent.
1-hour average, 0.1 ppm (200 μg/m^3)

2.3.5 Warning

A Warning shall be declared by the Health Officer when the concentrations of any of the following air contaminants measured at any monitoring site and due to adverse meteorological conditions can be expected to remain at these levels or higher for the next 12 hours or more unless control measured are taken:

(a) Sulfur Dioxide. Measured by continuous coulometric or colorimetric analyzer, or equivalent.
24 hour average, 0.6 ppm (1600 μg/m^3)

(b) Particulates. Measured by sequential tape sampler, two-hour accumulations (soiling index)
24-hour average, 5.0 COHS per 1000 linear feet or measured by Hi Vol, 24-hour accumulation:
24-hour average, 625 μg/m^3.

(c) Sulfur Dioxide and Particulates Combined. Product of concurrent 24-hour average concentration.
sulfur dioxide, ppm, times particulates, COHS, equals 0.8
or sulfur dioxide, μg/m^3, times particulates, μg/m^3, equals 261,000

(d) Carbon Monoxide. Measured by continuous non-dispersive infrared analyzer or equivalent.
8-hour average, 30 ppm (34mg/m^3)

(e) Nitrogen Dioxide. Measured by continuous analyzer, or equivalent.
24-hour average, 0.30 ppm (565 μg/m^3)
1-hour average, 1.20 ppm (2260 μg/m^3)

(f) Photochemical Oxidants. Measured by continuous chemiluminescent analyzer, or equivalent.
1-hour average, 0.40 ppm (800 μg/m^3)

2.3.6 Emergency

When the following concentrations of air contaminants have been reached or due to meteorological conditions can be expected to reach or exceed these levels at any monitoring site in the County for a period of 12 hours or more unless control actions are taken, the Health Officer shall declare an Emergency:

(a) Sulfur Dioxide. Measured by continuous coulometric or colorimetric analyzer, or equivalent.
24-hour average, 0.8 ppm, (2100 $\mu g/m^3$)

(b) Particulates. Measured by sequential tape sampler, two-hour accumulations (soiling index).
24-hour average, 7.0 COHS per 1000 linear feet
or measured by Hi Vol, 24-hour accumulation
24-hour average, 875 $\mu g/m^3$

(c) Sulfur Dioxide and Particulates Combined. Product of concurrent 24-hour average concentrations.
sulfur dioxide, ppm, times particulates, COHS, equals 1.2
or sulfur dioxide, $\mu g/m^3$, times particulates, $\mu g/m^3$, equals 393,000

(d) Carbon Monoxide. Measured by continuous non-dispersive infrared analyzer, or equivalent.
8-hour average, 40 ppm (46 mg/m^3)

(e) Nitrogen Dioxide. Measured by continuous analyzer, or equivalent.
24-hour average, 0.40 ppm (750 $\mu g/m^3$)
1-hour average 1.60 ppm (3000 $\mu g/m^3$)

(f) Photochemical Oxidants. Measured by continuous chemiluminescent analyzer, or equivalent.
1-hour average, 0.60 ppm (1200 $\mu g/m^3$)

2.3.7 Termination

(a) The status reached by application of the Episode Criteria of this part shall remain in effect until the criteria for that level is no longer met. At such time, the next lower status will be assumed and such changes declared by the Health Officer: Specifically:

(1) When ambient contaminant concentrations fall below the critical levels for the stage, and a downward trend of concentrations is established; and

(2) When meteorological conditions that attended the high concentrations are no longer called for in official weather predictions.

(b) A public declaration will take on one of the following forms.

(1) Terminate "Emergency Status", resume "Warning Status" or "Alert Status": whichever is appropriate.

(2) Terminate "Warning Status", resume "Alert Status" or appropriate stage.

(3) Terminate "Episode Status".

(c) Upon termination of an "Episode Status", the Air Pollution Control Program will remain on internal "Episode Watch" until a return to normal operation is announced by the Health Officer.

2.3.8 Status Declaration Authority

The Health Officer, or his specific designee, shall have the authority to make an announcement of internal Episode Watch, and public declarations of Alert, Warning and Emergency Status.

(8.0) 2.4 Special Episode Criteria

2.4.1

The Health Officer shall have the authority to declare episodic conditions when the atmospheric concentration of a single contaminant or that of a specific locality within the County show elevated concentrations.

2.4.2 Specific Pollutant Situation

When concentrations of one or two contaminants reach or exceed the defined criteria levels, and concentration of other contaminants remain substantially below 50 percent of Alert levels, and meteorological conditions are such that these specific contaminant concentrations can be expected to remain at the above levels for 12 hours or more or increase unless control action is taken, a Specific Alert, Warning, or Emergency Status shall be declared by the Health Officer, naming the contaminants that meet the respective criteria. In such instances when two such contaminants meet different criteria, the Health Officer shall declare the status for the episode having the higher level, and that an Episode Watch is being maintained on the remaining contaminants.

2.4.3 Specific Locality Situation

The Health Officer shall, when high concentrations of one or more contaminants measured at one monitoring site and not others and the effect is judged to originate from an identifiable source near the given site, shall declare the appropriate local Alert, Warning, or Emergency Status for the delineated area and that an Episode Watch is in effect for any remaining portion of the jurisdictional area while meteorological conditions favor the maintenance or increase of said high concentration for at least 12 hours or more unless control action is taken.

(8.0) 2.5 Emission Reduction Plans

Upon declaring an Episode Watch, Alert, Warning, or Emergency, the Health Officer shall order persons responsible for the operation of a source of air contaminants causing or contributing to such Episode to take the general measures outlined in the Emergency Episode Plan For The State Of Alabama (dated November 1971, prepared by TRW, Inc.) or revision thereof, as he deems appropriate, in addition to all specific source curtailments designated by him.

(8.0) 2.6 Two Contaminant Episode

The Health Officer shall declare an Alert, Warning, or Emergency Status specific for two contaminants when the ambient concentrations of two contaminants simultaneously reach or exceed their respective Episode Criteria of this Chapter and meteorological conditions are such that contaminant concentrations can be expected to remain at those criteria levels for 12 or more hours or increase unless control actions are taken. When criteria levels correspond to different episode status for two contaminants, the Health Officer shall declare the status of the higher of the two.

(8.0) 2.7 General Episodes

The Health Officer shall, in the event that ambient concentrations of three or more contaminants simultaneously reach or exceed their respective Episode Criteria and no improvement in meteorological conditions is forecast for the next 12 hours, declare a General Alert, Warning, or Emergency Status. In the event the criteria levels correspond to different statuses for each contaminant, the Health Officer shall declare a general status corresponding to the highest individual status.

(8.0) 2.8 Emission Reduction Plan for Local Episodes

2.8.1

The Health Officer shall specify the area of the County affected when a Local Alert, Warning or Emergency Status is declared, or when an Accidental Episode for Common contaminants occurs, based upon air quality and meteorological reports and predictions.

2.8.2

When the Health Officer declares such a local episode, any person responsible for the operation from which excess emissions result, shall shut down such an operation and make repairs or alter the process as required by the Health Officer to restore normal operations.

2.8.3

When the Health Officer declares that a Local Alert, Warning, or Emergency Status is in effect for a delineated area, corresponding General Measures shall be applied as detailed in Part 2.5, depending upon which contaminants(s) is/are being emitted in excess.

(8.0) 2.9 Emission Reduction Plans for Other Sources

2.9.1

Any person responsible for the operation of a source of air contaminants as determined by the Health Officer shall prepare standby plans for reducing the emissions of air contaminants during periods of an Episode Alert, Warning, and Emergency. Standby plans shall be designed to reduce or eliminate emissions of air contaminants in accordance with the objectives set forth in Part 2.5.

2.9.2

Any person responsible for the operation of a source of air contaminants not designated by the Health Officer shall when requested by the Health Officer in writing, prepare standby plans for reducing the emission of air contaminants during periods of Episode Alert, Warning, and Emergency. Standby plans shall be designed to reduce or eliminate emissions of air contaminants in accordance with the objectives set forth in Part 2.5.

2.9.3

Standby plans as required under Section 2.9.1 shall be in writing and identify the sources of air contaminants, the amount of reduction of contaminants and a brief description of the manner in which reduction will be achieved during Episodes of Alert, Warning, and Emergency.

2.9.4

During Episodes of Alert, Warning, and Emergency Status, standby plans as required by this Chapter shall be made available on the premises to any person authorized to enforce the provisions of applicable rules and regulations.

2.9.5

Standby plans as required by these rules and regulations shall be submitted to the Health Officer upon request within 30 days of the receipt of such request; such standby plans shall be subject to review and approval by the Health Officer. If in the opinion of the Health Officer, a standby plan does not effectively carry out the objectives as set forth in these rules and regulations, the Health Officer may disapprove it, state the reason for disapproval and order the preparation of an amended standby plan within the time period specified in the order.

(3.0)

CHAPTER 3 -- PERMITS

(3.0) 3.1 Permits Required

3.1.1 Permit to Construct

Any person building, erecting, altering or replacing any article, machine, equipment or other contrivance, the use of which may cause the issuance of or an increase in the issuance of air contaminants or the use of which may eliminate or reduce or control the issuance of air contaminants, shall first obtain authorization for such construction from the Health Officer in the form of a Permit to Construct. A Permit to Construct shall remain in effect until the Permit to Operate the equipment for which the application was filed is granted or denied or the application is cancelled.

3.1.2 Permit to Operate

(a) Before any article, machine, equipment or other contrivance described in Section 3.1.1 may be operated or used, a written permit shall be obtained from the Health Officer. No Permit to Operate shall be granted for any article, machine, equipment, or contrivance described in Section 3.1.1, constructed or installed without authorization as required by section 3.1.1, until the information required is presented to the Health Officer and such article, machine, equipment or contrivance is altered, if necessary, and made to conform to the standards established by the Board.

(b) Any article, machine, equipment or other contrivance described in Section 3.1.1 which is presently operating (or which is not presently operating but which is capable of being operated) without a Permit to Operate, may continue to operate (or may restart) only if its owner or operator obtains a Permit to Operate prior to a date to be set by the Health Officer (or prior to restarting).

(c) The Health Officer shall have the authority to decide cases, where an article, machine, equipment or other contrivance is not clearly subject to nor exempt from the application of this chapter. In addition, the Health Officer may rule that a particular article, machine, equipment or other contrivance is subject to the application of this chapter even though it is exempt from the system according to Part 3.1 and 3.2 of this chapter. The operator or builder of such an article, machine, equipment or other contrivance may appeal the Health Officer's classification to the Board which overrule the Health Officer only if it is shown that he acted arbitrarily and contrary to the purpose of the Act and these regulations.

3.1.3 Display of Permit to Operate

A person who has been granted a Permit to Operate any article, machine equipment, or other contrivance shall keep such permit under file or on display at all times at the site where the article, machine, equipment, or other contrivance is located and will make such a permit readily available for inspection by any and all persons who may request to see it.

(2.0) 3.2 Exemptions

From time to time the Health Officer may specify certain classes or sizes of articles, machines, equipment, or other contrivances which would normally be subject to the requirement to obtain Permits to Operate or Construct, as being exempt from the requirement to obtain such permits. Exempt sources are subject in every other way to these rules and regulations.

(3.0) 3.3 Transfer

A Permit to Construct or Operate shall not be transferable whether by operation of law or otherwise, either from one location to another, from one piece of equipment to another, or from one person to another.

(3.0) 3.4 Applications

Every application for a Permit to Construct or Operate required under Part 3.1 shall be filed in the manner and form prescribed by the Health Officer and shall give all the information necessary to enable the Health Officer to make the determination required by Part 3.8 of this Chapter.

(3.0) 3.5 Cancellation of Applications

A Permit to Construct shall expire and the application shall be cancelled two years from the date of issuance of the Permit to Construct if the construction has not begun.

(3.0) 3.6 Action on Application

The Health Officer shall act, within a reasonable time, on an application for Permit to Construct, Permit to Operate and shall notify the applicant in writing of its approval or denial or conditional approval.

(9.0) 3.7 Provision of Sampling and Testing Facilities

A person operating or using any article, machine, equipment or other contrivance for which these rules and regulations require a permit shall provide and maintain such sampling and testing facilities as specified in the Permit to Construct or Permit to Operate.

(3.0) 3.8 Standards for Granting Permits

3.8.1

The Health Officer shall deny a permit except as provided by Part 3.9, if the applicant does not show that every article, machine, equipment or other contrivance, the use of which may cause the issuance of air contaminants, is so designed, controlled, or equipped with such air pollution control equipment, that it may be expected to operate without emitting or without causing to be emitted air contaminants in violation of these rules and regulations.

3.8.2

The Health Officer shall deny a permit if the applicant does not present in writing, a plan whereby the emission of air contaminants by every article, machine, equipment, or other contrivance described in the permit application, will be reduced during periods of an Air Pollution Alert, Air Pollution Warning, and Air Pollution Emergency in accordance with the provisions of Chapter 2.

3.8.3

Before a Permit to Construct or Permit to Operate is granted, the Health Officer may require the applicant to provide and maintain such facilities as are necessary for sampling and testing purposes in order to secure information that will disclose the nature, extent, quantity or degree of air contaminants discharged into the atmosphere from the article, machine, equipment or other contrivance described in the Permit to Construct or Permit to Operate. In the event of such a requirement, the Health Officer shall notify the applicant in writing of the required size, number and location of the sampling platform; the access to the sampling platform; and the utilities for operating the sampling and testing equipment.

3.8.4

The Health Officer may also require the applicant to install, use and maintain such monitoring equipment or methods; sample such emission in accordance with such methods, at such locations, intervals and procedures as may be specified; and provide such information as the Health Officer may require.

3.8.5

Before acting on an application for Permit to Construct or Permit to Operate, the Health Officer may require the applicant to furnish further information or further plans or specifications.

3.8.6

In acting upon a Permit to Operate, if the Health Officer finds that the article, machine, equipment or other contrivance has been constructed not in accordance with the Permit to Construct, and if the changes noted are of a substantial nature in that the amount of air contaminants emitted by the article, machine, equipment or other contrivance may be increased, or in that effect is unknown, then he shall deny the Permit to Operate. The Health Officer shall not accept any further application for a Permit to Operate until the article, machine, equipment or other contrivance has been reconstructed in accordance with the Permit to Construct, or until the applicant has proven to the satisfaction of the Health Officer that the change will not cause an increase in the emission of air contaminants.

3.8.7

The Health Officer shall deny a Permit to Construct where he determines that the construction and operation of such source will interfere with attaining or maintaining any primary or secondary standard established by Section 1.7.1 or will allow significant deterioration of existing air quality.

3.8.8

In granting any Permit to Operate, the Health Officer may allow, as a condition of such permit, for the intermittent discharge of air contaminants. During start up, shut down, rate change or load change, in excess of the limitations specified in these rules and regulations where he finds that because of the nature of the source there is no practicable alternative.

(3.0) 3.9 Conditional Permit

3.9.1

The Health Officer may issue a Permit to Construct or a Permit to Operate subject to conditions which will bring the operation of any article, machine, equipment or other contrivance within the standards of Part 3.8, in which case the conditions shall be specified in writing. Commencing work under such a Permit to Construct or operating under such a Permit to Operate shall be deemed acceptance of all the conditions specified. The Health Officer shall issue a Permit to Construct or a Permit to Operate with revised conditions upon receipt of a new application, if the applicant demonstrates that the article, machine, equipment or other contrivance can operate within the standards of Part 3.8 under the revised conditions.

3.9.2

A Conditional Permit may allow an article, machine, equipment or other contrivance to be operated in violation of the conditions of Part 3.8 if one of the conditions of the permit is a definite schedule by which the article, machine, equipment, or contrivance may attain the conditions of Part 3.8 and be granted a Permit to Operate, and if the schedule provides attaining the conditions of Part 3.8 at the earliest possible date, and is approved by the Health Officer. A Conditional Permit will be revoked if the applicant does not submit progress reports to the Health Officer according to the schedule established by the Conditional Permit. The Health Officer may further revoke the Conditional Permit if the progress reports do not show satisfactory progress as specified by the terms of the Conditional Permit or if the progress reports are found to be inaccurate.

3.9.3

A Conditional Permit that allows any new article, machine, equipment or contrivance to operate in violation of the requirements of Part 3.8 may not be granted for a period of time greater than one year, including all renewals.

3.9.4

No Conditional Permit issued under this part for any existing article, machine, equipment or contrivance may be granted for a period of time longer than the greater of the following periods:

(a) The period from the granting of the permit to a date three years after the date of initial adoption of an applicable rule or regulation.

(b) The period from the granting of the permit to a date three years after the date the Administrator of the U.S. Environmental Protection Agency approves, in accordance with Section 110 of the Federal Act, such applicable rule or regulation as a part of an implementation plan (or any revision thereof).

(3.0) 3.10 Temporary Permit to Operate

3.10.1

Upon application for a Permit to Operate by a new facility, the Health Officer shall, within a reasonable period of time, dispatch an inspector to the facility in question. If the inspector determines that the facility has been constructed according to the specifications as set forth under the Permit to Construct, or else that any changes to the facility would reduce or effect to an unsubstantial degree that quantity of air contaminants emitted by the facility, and if the reviewing officer agrees with this conclusion, then the Health Officer shall issue a temporary Permit to Operate which will remain in force until an official inspection of the facility under actual operating conditions can be made and the results reviewed, or until the Temporary Permit is suspended or revoked by the Health Officer. The Health Officer may issue a Temporary Permit to Operate without an inspection if the applicant fulfills the requirements of Section 3.10.2 and 3.10.3 of this part.

3.10.2

The application for a Permit to Construct is filled out and countersigned by a Professional Engineer familiar with air pollution control as it relates to the equipment under application.

3.10.3

Upon completion of the construction, a Professional Engineer familiar with the Permit to Construct submits a letter to the Health Officer, signed and sealed with his Professional stamp, testifying that the construction under application has been completed and is in accordance with the specifications as set down in the Permit to Construct. The Health Officer is empowered to reject the testimony of the Professional Engineer if the Health Officer decides that the Professional Engineer's qualifications are insufficient to allow him to accurately and completely assess the equipment in question. A Professional Engineer may appeal any such judgment to the Board.

(3.0) 3.11 Denial of Application

In the event of denial of a Permit to Construct or Permit to Operate, the Health Officer shall notify the applicant in writing of the reasons therefor. Service of this notification may be made in person or by mail, and such service may be proved by the written acknowledgement of the persons served or affidavit of the person making the service. The Health Officer shall not accept a further application unless the applicant has complied with the objections specified by the Health Officer as his reasons for denial of the Permit to Construct or the Permit to Operate.

(2.0) 3.12 Appeals

Within 10 days after notice by the Health Officer of denial or conditional approval of a Permit to Construct or Permit to Operate, the applicant may petition the Board, in writing, for a review. The Board may sustain or reverse the action of the Health Officer; such order may be made subject to specified conditions.

(3.0) 3.13

The holder of a Permit under this chapter shall comply with conditions contained in such Permit as well as all applicable provisions of these rules and regulations except when violations are specifically allowed in accordance with a Conditional Permit issued under Part 3.9.

(5.0) CHAPTER 4 -- VARIANCES

(5.0) 4.1 Granting of Variances

4.1.1

The Board may grant individual variances beyond the limitations prescribed in the Act or these regulations, whenever it is found, upon presentation of adequate proof, that compliance with any rule or regulation, requirement or order of the Board or Health Officer would impose serious hardship without equal or greater benefits to the public, and the emissions occurring or proposed to occur do not endanger or tend to endanger human health or safety, human comfort, and aesthetic values. In granting or denying a variance the Board shall file and publish a written opinion stating the facts and reasons leading to its decision.

4.1.2

In granting a variance the Board may impose such conditions as the policies of the Act and these regulations may require. If the hardship complained of consists solely of the need for a reasonable delay in which to correct a violation of the Act or of the Board's regulations, the Board shall condition the granting of such variance upon the posting of sufficient performance bond or other security to assure the correction of such violation within the time prescribed.

4.1.3

Any variance granted pursuant to the provisions of this section shall be granted for such period of time, not exceeding one year, as shall be specified by the Board at the time of the grant of such variance, and upon the condition, that the person who receives such variance shall make such periodic progress reports as the Board shall specify. Such variance may be extended from year to year by affirmative action of the Board, but only if satisfactory progress has been shown.

4.1.4

Any person seeking a variance shall do so by filing a petition for variance with the Board, which shall promptly give notice of such petition in a newspaper of general circulation in the county in which the installation or property for which variance sought is located. The Health Officer shall promptly investigate such petition, consider the views of persons who might be adversely affected by the grant of a variance and make a recommendation to the Board as to the disposition of the petition. If the Board, in its discretion, concludes that a hearing would be advisable, or if any person files a written objection to the grant for such variance within 21 days, then a hearing shall be held under the rules prescribed in Section 13(b) of the Alabama Air Pollution Control Act of 1971 (Act No. 769, Regular Session, 1971), and the burden of proof shall be on the petitioner.

4.1.5

If the Board fails to take final action upon a variance request within 90 days after the filing of the petition, the petitioner may deem the request denied.

4.1.6

A variance or renewal shall not be a right of the applicant or holder thereof, but shall be in the discretion of the Board; however, any person adversely affected by a variance or renewal granted by the Board may obtain judicial review by filing notice of appeal with the Registrar in Chancery of the Circuit Court in Equity in the county where the pollution source is located within twenty days from the action of the Board thereon. The case shall be heard by the Court under the same rules and with the same requirements as a petition for injunction would be heard. On appeal, the Circuit Court shall grant said variance if it finds that the Board acted arbitrarily and capriciously unless it finds the operation or the air contamination source in the manner allowed in the variance would amount to a private or public nuisance.

(2.0) 4.2 Petition Procedures

4.2.1

Any person subject to any rule or regulation, requirement or order, may petition the Board for a variance from the application thereof, as prescribed by the Act or these regulations. A petition for a variance must state the following:

(a) The name, address and telephone number of the petitioner, or other person authorized to receive service of notices.

(b) Whether the petitioner is an individual, partnership, corporation or other entity, and names and addresses of the officers, if a corporation, and names and addresses of ther persons in control, if other entity.

(c) The type of business or activity involved in the application and the street adress at which it is conducted.

(d) A brief description of the article, machine, equipment or other contrivance, if any involved in the petition.

(e) The signature of the petitioner, or that of some person on his behalf, and where the person signing is not the petitioner, the authority to sign.

(f) The rule or regulation, requirement or order complained from which a variance is requested.

(g) The facts showing why compliance with such rule or regulation, requirement or order would impose serious hardship on the petitioner or any other person or persons without equal or greater benefits to the public.

(h) The facts showing why the emissions occurring or proposed to occur do not endanger or tend to endanger human health or safety, human comfort, and aesthetic values.

(i) For what period of time the variance is sought and why.

(j) Provisions of the rule or regulation, requirement or order which the petitioner can meet and the date when petitioner can comply with such provisions.

(k) Whether or not any case involving the same identical equipment or process identified in paragraph (d) is pending in any court, civil or criminal.

4.2.2

All petitions shall be typewritten, double spaced, on legal or letter size paper, on one side of the paper only.

(2.0) 4.3 Failure to Comply with Procedures

4.3.1

The Health Officer shall not accept for filing, any petition which does not comply with these rules and regulations relating to the form, filing and service of petitions unless the Chairman or any two members of the Board direct otherwise and confirm such direction in writing. Such direction need not be made at a meeting of the Board.

4.3.2

The Chairman or any two members, without a meeting, may require the petitioner to state further facts or reframe a petition so as to disclose clearly the issues involved.

(2.0) 4.4 Objection Procedures

4.4.1

A person may file a written objection to the grant of a variance within 21 days from initial advertised notice and thus insure that public hearing will be held, according to Section 4.1.4 of this Chapter. An objection to the grant of a variance must state:

(a) The objector's name, address, and telephone number.

(b) Whether the objector is an individual, partnership, corporation or other entity, and names and addresses of the partners if a partnership, names and addresses of the officers of a corporation, and the names and addresses of the persons in control if other entity.

(c) A specification of which petition for a variance is being objected to.

(d) A statement indicating why the objector believes that the variance should not be granted.

4.4.2

All objections should be typewritten or carefully printed in ink on legal or letter size paper.

(16.0) 4.5 Rules and Evidence at Hearing

4.5.1

Each party shall have these rights; to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him to testify; and to rebut the evidence against him. If a petitioner or objector does not testify in his own behalf, he may be called and examined as if under cross-examination.

4.5.2

The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be submitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Heresay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil action. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil action, and irrelevant and unduly repetitious evidence shall be excluded.

(51.9) (51.13) CHAPTER 5 -- CONTROL OF OPEN BURNING AND INCINERATION

(51.13) 5.1 Open Burning

No person shall ignite, cause to be ignited, permit to be ignited, or maintain any open fire except as follows:

5.1.1

Open fires for the cooking of food for human consumption on other than commercial premises;

5.1.2

Fires for recreational or ceremonial purposes;

5.1.3

Fires to abate a fire hazard, providing the hazard is so declared by the fire department or fire district having jurisdiction;

5.1.4

Fires for the prevention or control of disease or pests;

5.1.5

Fires for training personnel in the methods of fighting fires;

5.1.6

Fires for the disposal of dangerous materials, where there is no practical alternate method of disposal, and burning is approved by the Health Officer.

5.1.7

Fires set for recognized agricultural, silvicultural, range and wildlife management practices.

5.1.8

Fires set in salamanders or other devices used by construction or other workers for heating purposes;

5.1.9

Fires for the burning of trees, brush, grass, and other vegetable matter in the clearing and maintenance of rights-of-way if such burning is done by the air-curtain incinerator method, properly constructed and maintained, or an equivalent method specifically approved by the Health Officer.

5.1.10

Open fires specifically or expressly approved by the Health Officer.

(51.9) 5.2 Incinerators

5.2.1

Incinerators shall be designed and operated in such manner as is necessary to prevent the emission of objectionable odors.

5.2.2

No person shall cause or permit to be emitted into the open air from any incinerator, particulate matter in the exhaust gases to exceed 0.20 pounds per 100 pounds of refuse charged; provided that: for incinerators of more than 50 tons per day charging rate, particulate matter in the exhaust gases may not exceed 0.10 pounds per 100 pounds of refuse charged.

5.2.3

Emission tests shall be conducted at maximum burning capacity of the incinerator.

5.2.4

The burning capacity of an incinerator shall be the manufacturer's or designer's guaranteed maximum rate or such rate as may be determined by the Health Officer in accordance with good engineering practices. In case of conflict, the determination made by the Health Officer shall govern.

5.2.5

For the purposes of this Part, the total of the capacities of all furnaces within one system shall be considered as the incinerator capacity.

(51.9) 5.3 Incineration of Wood, Peanut and Cotton Ginning Wastes

5.3.1

No person shall cause or permit to be emitted into the open air from any incinerator which incinerates wood, peanut or cotton ginning wastes, particulate matter in the exhaust gases to exceed 0.40 pounds per 100 pounds of material charged.

5.3.2

Emission tests shall be conducted at maximum burning capacity of the incinerator.

5.3.3

The burning capacity of an incinerator shall be the manufacturer's or desginer's guaranteed maximum rate or such other rate as may be determined by the Health Officer in accordance with good engineering practices. In case of conflict, the determination made by the Health Officer shall govern.

5.3.4

For the purpose of this Part, the total of the capacities of all furnaces within one system shall be considered as the incinerator capacity.

5.3.5

Each incinerator subject to this Part shall be properly designed, equipped, and maintained for its maximum burning capacity, and shall be equipped with a temperature recorder which shall be operated continuously with the incinerator and the temperature records shall be made available for inspection at the request of the Health Officer, and shall either:

(a) Be equipped with an underfire forced air system, which shall be electronically controlled to insure the optimum temperature range for the complete combustion of the amount and type of material waste being charged into the incinerator; and a variable damper; or

(b) Consist of an all metal shell with refractory lining, circular furnace, and a built-in cinder catching system for either reburning or other disposition; all primary combustion air shall be supplied under pressure through nozzle openings located around the perimeter of the lower furnace; over-fire air shall be provided under pressure through ports which shall be directed downward and tangentially in the the same direction as the primary air; cinder collection shall be accomplished by the provision of openings through the shell located above the furnace section.

(50.1) CHAPTER 6 -- CONTROL OF PARTICULATE EMISSIONS

(50.1.2) 6.1 Visible Emissions

6.1.1 Visible Emissions Restrictions for Stationary Sources

(a) No person shall discharge into the atmosphere from any single source of emission whatsoever any air contaminant of a shade or density darker than that designated as No. 1 on the Ringlemann chart or 20 percent opacity.

(b) A person may discharge into the atmosphere from any single source of emission for a period or periods aggregating not more than three minutes in any 60 minutes air contaminants of a shade or density not darker than that designated as No. 3 on the Ringlemann chart or 60 percent opacity.

(c) The Health Officer may approve exceptions to this Section for specific sources which hold permits under Chapter 3; provided, however, such exceptions may be made for startup, shutdown, load change, and rate change or other short, intermittent periods of time upon terms approved by the Health Officer and made a part of such permit.

(d) The provisions of this Section shall not apply to combustion sources in single-family and duplex dwellings where such sources are used for heating or other domestic purposes.

6.1.2 Reserved

6.1.3 Uncombined Water

Where the presence of uncombined water is the only reason for failure of an emission to meet the requirements of this Part, such sections shall not apply.

(50.1) 6.2 Fugitive Dust

6.2.1

No person shall cause, suffer, allow, or permit any materials to be handled, transported, or stored; or a building, its appurtenances, or road to be used, constructed, altered,repaired or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions shall include, but not be limited to, the following:

(a) Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads or the clearing of land;

(b) Application of asphalt, oil, water, or suitable chemicals on dirt roads, materials stock piles, and other surfaces which create airborne dusts;

(c) Installation and use of hoods, fans, and fabric filters (or other suitable control devices) to enclose and vent the handling of dusty materials. Adequate containment methods shall be employed during sandblasting or other similar operations.

6.2.2 Visible Emissions Restrictions Beyond Lot Line

No person shall cause or permit the discharge of visible fugitive dust emissions beyond the lot line of the property on which the emissions originate.

6.2.3

When dust, fumes, gases, mist, odorous matter, vapors, or any combination thereof escape from a building or equipment in such a manner and amount as to cause a nuisance or to violate any rule or regulation, the Health Officer may order that the building or equipment in which processing, handling and storage are done be tightly closed and ventilated in such a way that all air and gases and air or gas-borne material leaving the building or equipment are treated by removal or destruction of air contaminants before discharge to the open air.

(51.5) 6.3 Fuel Burning Equipment

6.3.1

No person shall cause or permit the emission of particulate matter from fuel-burning equipment in excess of the amount shown in Table 6-1 for the heat input allocated to such source. Interpolation of the data in Table 6-1 for heat input values between 10 million BTU/hour and 250 million BTU/hour shall be accomplished by the use of the equation:

$$E = 1.38H^{-0.44}$$

where: E = Emissions in lb/million BTU

H = Heat Input in millions of BTU/hour

6.3.2

For purposes of this Part, the total heat input from all similar fuel combustion units which discharge particulate matter through a common stack at a plant or premises shall be used for determining the maximum allowable emission of particulate matter.

6.3.3

New fuel-burning sources emitting particulate matter shall be subject to the rules and regulations for Mobile County.

TABLE 6-1

ALLOWABLE PARTICULATE MATTER EMISSION BASED ON HEAT INPUT

Heat Input (millions of BTU/hour)	Allowable Emission (lb/million BTU) Mobile County
1.	.5
10.	.5
20.	.37
40.	.27
60.	.23
80.	.20
100.	.18
150.	.15
200.	.13
250.	.12
1,000,000.	.12

(50.1.1) 6.4 Process Industries - General

6.4.1

No person shall cause or permit the emission of particulate matter in any one hour from any source in Mobile County in excess of the amount shown in Table 6-2 for the process weight per hour allocated to such source. For sources in Mobile County, interpolation of the data in Table 6-2 for the process weight per hour values up to 60,000 lbs/hour shall be accomplished by use of the equation:

$$E = 3.59\ P^{0.62} \qquad P < 30 \text{ tons/hour}$$

and interpolation and extrapolation of the data for process weight per hour values equal to or in excess of 60,000 lbs/hour shall be accomplished by use of the equation:

$$E = 17.31\ P^{0.16} \qquad P \geq 30 \text{ tons/hour}$$

where: E = Emissions in pounds per hour

P = Process weight per hour in tons per hour

6.4.2

Where the nature of any process or operation or the design of any equipment is such as to permit more than one interpretation of this Part, the interpretation that results in the minimum value for allowable emission shall apply.

6.4.3

For purposes of this Part, the total process weight from all similar process units at a plant or premises shall be used for determining the maximum allowable emission of particulate matter that passes through a stack or stacks.

6.4.4

New sources subject to this Part, emitting particulate matter shall be subject to the rules and regulations for Mobile County.

TABLE 6-2

ALLOWABLE PARTICULATE MATTER EMISSION BASED ON PROCESS WEIGHT RATE

Process Weight Rate (lb/hr)	Allowable Emission Rate (lb/hr) Mobile County
100	0.56
500	1.52
1,000	2.34
5,000	6.33
10,000	9.76
20,000	14.97
60,000	29.83
80,000	31.23
120,000	33.33
160,000	34.90
200,000	36.17
1,000,000	46.79

(51.21) 6.5 Small Foundry Cupola

6.5.1

No person shall cause or permit the emission of particulate matter in any one hour from any small foundry cupola source in excess of the amount shown in Table 6-3 for the process weight per hour allocated to such source.

6.5.2

Where the nature of any process or operation or the desgin of any equipment is such as to permit more than one interpretation of this Part, the the interpretation that results in the minimum value for allowable emission shall apply.

6.5.3

For purposes of this Part, the total process weight from all similar process units at a plant or premises shall be used for determining the maximum allowable emission of particulate matter that passes through a stack or stacks.

6.5.4

Foundry cupolas with a process weight rate greater than 50,000 pounds per hour shall be subject to the rules and regulations of Part 6.4.

TABLE 6-3

ALLOWABLE PARTICULATE MATTER EMISSION
BASED ON PROCESS WEIGHT RATE FOR SAMLL FOUNDRY CUPOLAS

Process Weight (lb/hr)	Allowable Emission Rate (lb/hr)
1,000	3.05
2,000	4.70
3,000	6.35
4,000	8.00
5,000	9.58
6,000	11.30
7,000	12.90
8,000	14.30
9,000	15.50
10,000	16.65
12,000	18.70
16,000	21.60
18,000	23.40
20,000	25.10
30,000	31.30
40,000	37.00
50,000	42.40

(51.14) 6.6 Kraft Pulp Mills

6.6.1 Applicability

This Part applies to manufacturing facilities for the pulping of wood and the preparation and recovery of associated chemicals by the kraft process, including combined recovery systems serving other processes such as neutral sulfite pulping.

6.6.2

No person shall cause or permit the emission of particulate matter from any kraft pulp mill in excess of the amounts provided as follows:

(a) From all recovery furnaces, not more than 4.0 pounds per ton of pulp.

(b) From all smelt dissolver vents, not more than 0.5 pounds per ton of pulp.

(c) From all lime kilns, not more than 1.0 pounds per ton of pulp.

6.6.3

The pulp production rates for kraft mills referred to in this Part shall be tons of unbleached air-dried kraft pulp.

6.6.4

Not withstanding the specific limits set forth in this Part, in order to maintain the lowest possible emission of air contaminants, the highest and best practicable treatment and control for particulate matter currently available shall be provided for new kraft pulp mills.

(51.20) 6.7 Wood Waste Boilers

6.7.1 Applicability

This part applies to boilers and other indirect heat exchangers using not less than 30% wood wastes or wood by-products as fuel measured by heat input.

6.7.2

No person shall cause or permit the emission of particulate matter from any existing wood waste boilers in excess of 0.30 grains per standard dry cubic foot adjusted to 50% excess air. Provided that: for any existing wood waste boiler which must be modified in order to meet the emission limitations of this part, no person shall cause or permit the emission of particulate in excess of:

(a) 0.17 grains per standard dry cubic foot, adjusted to 50% excess air, for combination gas and wood waste boilers.

(b) 0.20 grains per standard dry cubic foot, adjusted to 50% excess air, for combination oil and wood waste boilers.

(c) 0.23 grains per standard dry cubic foot, adjusted to 50% excess air, for combination coal and wood waste boilers.

(d) 0.20 grains per standard dry cubic foot, adjusted to 50% excess air, for boilers using wood wastes only.

(50.2) CHAPTER 7 -- CONTROL OF SULFUR COMPOUND EMISSIONS

(51.6) 7.1 Fuel Combustion

7.1.1

No person shall cause or permit the operation of a fuel burning installation in Mobile County in such a manner that sulfur oxides, measured as sulphur dioxide, are emitted in excess of 1.2 pounds per million BTU heat input.

7.1.2

For purposes of this Part, the total heat input from all similar fuel combustion units at a plant or premise shall be used for determining the maximum allowable emission of sulfur dioxide that passes through a stack or stacks.

7.1.3

New sources emitting sulfur oxides, measured as sulfur dioxide, shall be subject to the regulations for Mobile County.

7.1.4

No person shall cause or permit the emission or combustion of any refinery process gas stream that contains H_2S in concentrations greater than 150 ppm without removal of the hydrogen sulfide in excess of this concentration.

(51.18) 7.2 Sulfuric Acid Plants

No person shall cause or permit sulfur dioxide tail gas emissions from sulfuric acid manufacturing plants to exceed 6.5 lb/ton of 100 percent sulfuric acid procuded. The tail gas acid mist emissions are not to exceed 0.5 lb/ton of sulfuric acid produced and the sulfur trioxide emissions are not to exceed 0.2 lb/ton of sulfuric acid produced.

(51.19) 7.3 Sulfur Recovery Plants

7.3.1

No person shall cause or permit the sulfur oxide emission from any existing sulfur recovery plan recovering sulfur from natural gas to exceed 0.16 pounds per pound of sulfur processed.

7.3.2

Except as provided by Section 7.3.1, no person shall cause or permit the sulfur oxide emission from a sulfur recovery plant to exceed 0.08 pounds per pound of sulfur processed.

(50.4) CHAPTER 8 -- CONTROL OF HYDROCARBON EMISSIONS

(51.16) 8.1 Storage of Volatile Organic Materials

8.1.1

No person shall place, store, or hold in any stationary tank, reservoir or other container of more than 60,000 gallons capacity any volatile organic compounds unless such tank, reservoir, or other container is a pressure tank capable of maintaining working pressures sufficient at all times to prevent vapor or gas loss to the atmosphere or is designed, and equipped with one of the following vapor loss control devices:

(a) A floating roof, consisting of a pontoon type, double deck type roof or internal floating cover, which will rest on the surface of the liquid contents and be equipped with a closure seal or seals to close the space between the roof edge and tank wall. This control equipment shall not be permitted if the volatile organic compounds have a vapor pressure of 11.0 pounds per square inch absolute (568 mm Hg) or greater under actual storage conditions. All tank gauging or sampling devices shall be gas-tight except when tank gauging or sampling is taking place.

(b) A vapor recovery system, consisting of a vapor gathering system capable of collecting the volatile organic compound vapors and gases discharged and a vapor disposal system capable of processing such volatile organic vapors and gases so as to prevent their emission to the atmosphere and with all tank gauging or sampling devices gas-tight except when gauging or sampling is taking place.

(c) Other equipment or means of equal efficiency for purposes of air pollution control as may be approved by the Health Officer.

(d) No person shall place, store, or hold in any new stationary storage vessel of more than 1,000-gallon capacity any volatile organic compound unless such vessel is equipped with a permanent submerged fill pipe or is a tank a described above, or is fitted with a system as described above. Existing stationary storage vessels shall employ portable submerged fill pipes or be equipped with permanent submerged fill pipes.

8.1.2

This part shall not apply to crude petroleum produced, separated, treated or stored in the field.

(51.16) 8.2 Volatile Organic Materials Loading Facilities

8.2.1

No person shall load any volatile organic compound into any tank truck, tanker, barge, marine vessel, or trailer from any terminal or bulk storage facility handling more than 50,000 gallons per day unless such terminal or facility is equipped with a vapor collection and disposal system, or its equivalent, properly installed, in good working order; or has in operation a loading system which will result in a 95 percent submerged fill either with submerged fill pipe or by loading from the bottom.

8.2.2

No person shall load any volatile organic compounds into any tank, truck, or trailer having a capacity in excess of 200 gallons, unless such loading facility is equipped as set forth in Section 8.2.1. Where the vapor collection and disposal system is utilized, the loading arm shall be equipped with a vapor collection adaptor, pneumatic, hydraulic, or other mechanical means which will provide a vapor-tight seal between the adaptor and the hatch. A means shall be provided to prevent liquid organic compounds drainage from the loading device when it is removed from the hatch of any tank, truck, or trailer. When loading is effected through means other than the hatches, all loading lines shall be equipped with fittings which make vapor-tight connections and which close automatically when disconnected.

8.2.3

This Part shall not apply to crude petroleum produced, separated, treated or stored in the field.

(51.16) 8.3 Volatile Organic Compound Water Separation

8.3.1

No person shall use any compartment of any single or multiple compartment volatile organic compound water separator which receives effluent water containing 1,000 gallons a day or more of volatile organic compounds from processing, refining, treating storing or handling volatile organic compounds unless such compartment is equipped with one of the following vapor loss control devices, properly installed, in good working order, and in operation.

(a) A container having all openings sealed and totally enclosing the liquid contents. All gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.

(b) A container equipped with a floating roof, consisting of a pontoon type, double deck type roof, or internal floating cover, which will rest on the surface of the contents and be equipped with a closure seal or seals to close the space between the roof edge and container wall. All gauging or sampling devices shall be gas-tight except when gauging or sampling is taking place.

(c) A container equipped with a vapor recovery system consisting of a vapor gathering system capable of collecting the hydrocarbon vapors and gases discharged and a vapor disposal system capable of processing such hydrocarbon vapors and gases so as to prevent their emission to the atmosphere and with all container gauging and sampling devices gas-tight except when gauging or sampling is taking place.

(d) A container having other equipment of equal efficiency for purposes of air pollution control as may be approved by the Health Officer.

(51.16) 8.4 Pumps and Compressors

All pumps and compressors handling volatile organic compounds shall have mechanical seals or other equipment of equal efficiency for purposes of air pollution control as may be approved by the Health Officer.

(51.21) 8.5 Waste Gas Disposal

No person shall emit a waste gas stream from any ethylene producing plant into the atmosphere unless the waste gas stream is properly burned at 1,300° F for 0.3 seconds or greater in a direct-flame afterburner equipped with an indicating pyrometer which is positioned in the working area at the operator's eye level or an equally effective catalytic vapor incinerator also with pyrometer.

(50.4) 8.6 Organic Solvents

8.6.1

A person shall not discharge more than 3 pounds in any one hour or more than 15 pounds of organic materials in any one day into the atmosphere from any article, machine, equipment or other contrivance in which organic solvent or any material containing organic solvent comes into contact with flame or is baked, heat-cured, or heat polymerized, in the presence of oxygen, unless said discharge has been reduced by at least 85 percent. Those portions of any series of articles, machines, equipment or other contrivances designed for processing a continuous web, strip or wire which emit organic materials and using operations described in this section shall be collectively subject to compliance with this section.

8.6.2

A person shall not discharge into the atmosphere more than 40 pounds of organic materials in any one day, not more than 8 pounds in any one hour from any article, machine, equipment or other contrivance used under conditions other than described in Section 8.6.1 for employing or applying any photochemically reactive solvent, as defined in Section 1.3.37 or material containing such photochemically reactive solvent unless said discharge has been reduced by at least 85 percent. Emissions of organic materials into the atmosphere resulting from air or heated drying of products for the first 12 hours after their removal from any article, machine, equipment, or other contrivance described in this section shall be included in determining compliance with this section. Emissions resulting from baking, heat curing, or heat-polymerizing as described in Section 8.6.1 shall be excluded from determination of compliance with this section. Those portions of any series of articles, machines, equipment or other contrivances designed for processing a continuous web, strip, or wire which emit organic materials and using operations described in this section shall be collectively subject to compliance with this section.

8.6.3

Emissions of organic materials to the atmosphere from the cleanup with photochemically reactive solvents, as defined in Section 1.3.37 of any article, machine, equipment, or other contrivance described in Sections 8.6.1 or 8.6.2, shall be included with the other emissions of organic materials from that article, machine, equipment, or other contrivance for determining compliance with this rule.

8.6.4

Emissions of organic materials into the atmosphere required to be controlled by Sections 8.6.1 and 8.6.2, shall be reduced by:

(a) Incineration, provided that 90 percent or more of the carbon in the organic material being incinerated is oxidized to carbon dioxide, or

(b) Adsorption, or

(c) Processing in a manner determined by the Health Officer to be not less effective than paragraphs (a) or (b) above.

8.6.5

A person incinerating, adsorbing, or otherwise processing organic materials pursuant to this Part shall provide, properly install, and maintain in calibration, in good working order and in operation, devices as specified in the permit to operate, or as specified by the Health Officer, for indicating temperatures, pressures, rates of flow, or other operating conditions necessary to determine the degree and effectiveness of air pollution control.

8.6.6

Any person using organic solvents or any materials containing organic solvents shall supply the Health Officer, upon request and in the manner and form prescribed by him, written evidence of the chemical composition, physical properties, and amount consumed for each organic solvent used.

8.6.7

The provisions of this Part shall not apply to:

(a) The manufacture of organic solvents, or the transport or storage of organic solvents or materials containing organic solvents.

(b) Paint spray booth installations.

(c) The employment, application, evaporation or drying of saturated halogenated hydrocarbons or organic compounds in which all olefinic groups contain 3 or more hydrogen atoms.

(d) The use of any material in any article, machine or equipment described in Section 8.6.1, 8.6.2, or 8.6.3, if:

  (1) The volatile content of such material consists only of water and organic solvents, and

  (2) The organic solvents comprise not more than 20 percent of said volatile content, and

  (3) The volatile content is not photochemically reactive as defined in Section 1.3.37.

(e) Coatings applied to permanently located structures or surfaces.

8.6.8

Whenever any organic solvent or any constituent of an organic solvent may be classified from its chemical structure into more than one of the groups of organic compounds, as defined in Section 1.3.37, it shall be considered as a member of the most reactive chemical group, that is, that group having the least allowable percent of the total volume of solvents.

(51.21) 8.7 Disposal and Evaporation of Solvents

A person shall not during any one day, dispose of a total of more than 1.5 gallons of any photochemically reactive solvent, as defined in Section 1.3.37, or of any material containing more than 1.5 gallons of any such photochemically reactive solvent by any means which will permit the evaporation of such solvent into the atmosphere.

(50.5)

CHAPTER 9 -- CONTROL OF CARBON MONOXIDE EMISSIONS

9.1

No person shall emit the carbon monoxide gases generated during the operation of a grey iron cupola, blast furnace, or basic oxygen steel furnace unless they are burned at 1,300°F for 0.3 seconds or greater in a direct flame afterburner or equivalent device equipped with an indicating pyrometer which is positioned in the working area at the operator's eye level.

9.2

No person shall emit carbon monoxide waste gas stream from any catalyst regeneration of a petroleum cracking system, petroleum fluid coker, or other petroleum process into the atmosphere, unless the waste gas stream is burned at 1,300°F for 0.3 seconds or greater in a direct-flame afterburner or boiler equipped with an indicating pyrometer which is positioned in the working area at the operator's eye level.

(50.3) CHAPTER 10 -- CONTROL OF NITROGEN OXIDES EMISSIONS

(51.7) 10.1 New Combustion Sources

10.1.1

No person shall cause or permit emissions of nitrogen oxides from a new gas-fired boiler with a capacity of 250 million BTU/hour or more in excess of 0.20 pounds per million BTU of heat input per hour.

10.1.2

No person shall cause or permit emissions of nitrogen oxides from a new oil-fired boiler with a capacity of 250 million BTU/hour or more in excess of 0.30 pounds per million BTU of heat input per hour.

10.1.3

No person shall cause or permit the emission of nitrogen oxides from a new coal-fired boiler with a capacity of 250 million BTU/hour or more in excess of 0.7 pounds per million BTU of heat input per hour.

10.1.4

For purposes of this Part, the total heat input from all similar fuel combustion units at a plant or premises shall be used for determining the maximum allowable emission of nitrogen oxides that passes through stack or stacks.

(51.10) 10.2 Nitric Acid Manufacturing

No person shall cause or permit the emission of nitrogen oxides calculated as nitrogen dioxide, from nitric acid manufacturing plants in excess of 5.5 pounds per ton of 100 perdent acid produced.

(12.0) CHAPTER 11 -- CONTROL OF EMISSIONS FROM MOTOR VEHICLES

(12.0) (50.1.2) 11.1 Visible Emission Restrictions for Motor Vehicles

11.1.1

No person shall cause or permit the emission of visible air contaminants from gasoline-powered motor vehicles, operated upon any street, highway, or other public place, for longer than 5 consecutive seconds.

11.1.2

No person shall cause or permit the emission of visible air contaminants from diesel-powered motor vehicles and other movable sources, of a shade or density darker than 20 percent opacity for longer than 5 consecutive seconds.

11.1.3 Uncombined Water

Where the presence of uncombined water is the only reason for failure of an emission to meet the requirements of the Part, such section shall not apply.

(12.0) 11.2 Ignition System and Engine Speed

All 1968 and subsequent model year gasoline-powered motor vehicles shall be maintained so as to be in compliance with the following requirements:

11.2.1

The number of revolutions per minute of an engine while operating at idle speed shall be in accordance with the specifications, and determined under conditions published by the manufacturer, but in no case shall the idle speed be less than the minimum specified in such published specifications. Revolutions per minute shall be tested for accuracy and precision at reasonable intervals.

11.2.2

Ignition timing of an engine shall comply with the published specifications of the manufacturer as determined in accordance with procedures and conditions specified by the manufacturer.

11.2.3

All cylinders shall be firing.

(12.0) 11.3 Crankcase Ventilation Systems

The positive crankcase ventilation system on all 1968 and subsequent model year gasoline-powered motor vehicles, except motorcycles and motor tricycles, and all 1969 and subsequent model year gasoline-powered motor vehicles, including motorcycles and motor tricycles, shall meet the following requirements:

11.3.1

The plumbing and connections shall be properly connected as installed by the manufacturer and free of obstructions and leakage.

11.3.2

There shall be a negative pressure (suction) at the inlet of the crankcase ventilation valve.

11.3.3

The crankcase ventilation valve shall be freely operative so as to regulate the flow of gases through the system.

(12.0) 11.4 Exhaust Emission Control Systems

11.4.1 Air Injection System

Exhaust emission control air injection systems on those gasoline-powered motor vehicles so equipped by the manufacturer shall operate so that:

(a) The air delivery hoses, connections, and air distribution manifold shall be properly connected as installed by the manufacturer and free of obstructions and leakage.

(b) The air compressor drive belt tension shall be within manufacturer's specifications.

(c) There is a positive air flow from the air pump to the air delivery distribution manifold.

(d) The check valve prevents any reverse air flow from the air distribution manifold out through the check valve inlet.

(e) The anti-backfire valve, gulp-valve, or other similar device with the same function permits the passage of air from the air pump to the exhaust manifold or manifolds, except when the carburetor throttle is closed rapidly from an open position as in deceleration.

11.4.2 Engine Modification Systems

All vacuum control valves, vacuum lines, mechanical linkage, electrical circuits and switches peculiar to certain engine modification systems shall be properly connected as installed on all 1968 and subsequent model year gasoline-powered motor vehicles so equipped by the manufacturer.

11.4.3 Other Exhaust Emission Control Systems

Any other exhaust emission control system, other than air injection or engine modification, which is installed or incorporated in a motor vehicle in compliance with Federal motor vehicle pollution control regulations shall be maintained in good operable conditions as specified by the manufacturer and shall be used at all times that the motor vehicle is operated.

11.4.4

The requirements of this Part shall apply to all gasoline-powered motor vehicles with the following exceptions:

(a) Vehicles of 1967 or earlier model year.

(b) Vehicles not equipped by the manufacturer with exhaust emission control air injection systems.

(c) Motor vehicles with an engine displacement of less than 50 cubic inches (819.35 cubic centimeters).

(12.0) 11.5 Evaporative Loss Control Systems

The evaporative loss control systems or devices designed and installed on 1972 and subsequent model year gasoline-powered motor vehicles shall be maintained in an operable condition such that the system or device continues to reduce or prevent the emission to the atmosphere of the vapors of the hydrocarbon fuel contained in the fuel tank, carburetor, and/or fuel pump of the motor vehicle.

(12.0) 11.6 Other Prohibited Acts

In addition to the other strictures contained in this Chapter, no person shall cause, suffer, allow, or permit the removal, disconnection, and/or disabling of a positive crankcase ventilator, exhaust emission control system, or evaporative loss control system which has been installed on a motor vehicle, nor shall any person defeat the design purpose of any such motor vehicle pollution control device by installing therein or thereto any part or component which is not a comparable replacement part or component of the device. Provided that:

11.6.1

The components or parts of emission control systems on motor vehicles may be disassembled or reassembled for the purpose of repair and maintenance in proper working order.

11.6.2

Components and parts of emission control systems may be removed and replaced with like components and parts intended by the manufacturer for such replacement.

11.6.3

The provisions of this Part shall not apply to salvage operations on wrecked motor vehicles when the engine is so damaged that it will not be used again for the purpose of powering a motor vehicle on a highway.

(2.0) 11.7 Effective Date

The provisions of this Chapter shall become effective immediately upon their adoption and promulgation.

FEDERALLY PROMULGATED REGULATIONS

(10.0) 52.56 Review of New Source and Modification

(b) Regulation providing for public comment

(1) Prior to approval of disapproval of the construction or modification of an indirect source, the Director shall:

(i) Make a preliminary determination whether the indirect source should be approved, approved with conditions or disapproved.

(ii) Make available in at least one location in each region in which the proposed indirect source would be constructed, a copy of all materials submitted by the owner or operator, a copy of the Director's preliminary determination, and a copy or summary or other materials, if any considered by the Director in making his preliminary determination; and

(iii) Notify the public, by prominent advertisement in a newspaper of general circulation in each region in which the proposed indirect source would be constructed, of the opportunity for public comment on the information submitted by the owner or operator and the Director's preliminary determination on the approvability of the indirect source.

(2) A copy of the notice required pursuant to this paragraph shall be sent to the Administrator through the appropriate regional office; to all other State and local air pollution control agencies having jurisdiction in the region where the indirect source will be located; and to any other agency in the region having responsibility for implementing the procedures required under Chapter 10 of the Alabama rules and regulations.

(3) Public comments submitted in writing 30 days of the date such information is made available shall be considered by the Director in making his final decision on the application.

(17.0) 52.60 Prevention of Significant Deterioration

(b) Definitions. For the purposes of this section:

(1) "Facility" means an identifiable piece of process equipment. A stationary source is composed of one or more pollutant-emitting facilities.

(2) The phrase "Administrator" means the Administrator of the Environmental Protection Agency or his designated representative.

(3) The phrase "Federal Land Manager" means the head, or his designated representative, of any Department or Agency of the Federal Government which administers federally-owned land, including public domain lands.

(4) The phrase "Indian Reservation" means any federally-recognized reservation established by Treaty, Agreement, Executive Order, or Act of Congress.

(5) The phrase "Indian Governing Body" means the governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government.

(6) "Construction" means fabrication, erection or installation of a stationary source.

(7) "Commenced" means that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

(c) Area designation and deterioration increment

(1) The provisions of this paragraph have been incorporated by reference into the applicable implementation plans for various States, as provided in Subparts B through DDD of this part. Where this paragraph is so incorporated, the provisions shall also be applicable to all lands owned by the Federal Government and Indian Reservations located in such State. The provisions of this paragraph do not apply in those counties or other functionally equivalent areas that pervasively exceeded any national ambient air quality standards during 1974 for sulfur dioxide or particulate matter and then only with respect to such pollutants. States may notify the Administrator at any time of those areas which exceeded the national standards during 1974 and therefore are exempt from the requirements of this paragraph.

(2) (i) For purposes of this paragraph, areas designated as Class I or II shall be limited to the following increases in pollutant concentration occurring since January 1, 1975:

Area Designations

Pollutant	Class I (ug/m^3)	Class II (ug/m^3)
Particulate matter:		
Annual geometric mean	5	10
24-hr maximum	10	30
Sulfur dioxide:		
Annual arithmetic mean	2	15
24-hr maximum	5	100
3-hr maximum	25	700

(ii) For purposes of this paragraph, areas designated as Class III shall be limited to concentrations of particulate matter and sulfur dioxide no greater than the national ambient air quality standards.

(iii) The air quality impact of sources granted approval to construct or modify prior to January 1, 1975 (pursuant to the approved new source review procedures in the plan) but not yet operating prior to January 1, 1975, shall not be counted against the air quality increments specified in paragraph (c) (2) (i) of this section.

(3) (i) All areas are designated Class II as of the effective date of this paragraph. Redesignation may be proposed by the respective States, Federal Land Manager, or Indian Governing Bodies, as provided below, subject to approval by the Administrator.

(ii) The State may submit to the Administrator a proposal to redesignate areas of the State Class I, Class II, or Class III, provided that:

(a) At least one public hearing is held in or near the area affected and this public hearing is held in accordance with procedures established in 51.4 of this chapter, and

(b) Other States, Indian Governing Bodies, and Federal Land Managers whose lands may be affected by the proposed redesignation are notified at least 30 days prior to the public hearing, and

(c) A discussion of the reasons for the proposed redesignation is available for public inspection at least 30 days prior to the hearing and the notice announcing the hearing contains appropriate notification of the availability of such discussion, and

(d) The proposed redesignation is based on the record of the State's hearing, which must reflect the basis for the proposed redesignation, including consideration of (1) growth anticipated in the area, (2) the social, environmental, and economic effects of such redesignation upon the area being proposed for redesignation and upon other areas and States, and (3) any impacts of such proposed redesignation upon regional or national interests.

(e) The redesignation is proposed after consultation with the elected leadership of local and other substate general purpose governments in the area covered by the proposed redesignation.

(iii) Except as provided in paragraph (c) (3) (iv) of this section, a State in which lands owned by the Federal Government are located may submit to the Administrator a proposal to redesignate such lands Class I, Class II, or Class III in accordance with subdivision (ii) of this subparagraph provided that:

(a) The redesignation is consistent with adjacent State and privately owned land, and

(b) Such redesignation is proposed after consultation with the Federal Land Manager.

(iv) Notwithstanding subdivision (iii) of this subparagraph, the Federal Land Manager may submit to the Administrator a proposal to redesignate any Federal lands to a more restrictive designation than would otherwise be applicable provided that:

(a) The Federal Land Manager follows procedures equivalent to those required of States under paragraph (c) (3) (ii) and,

(b) Such redesignation is proposed after consultation with the State(s) in which the Federal Land is located or which border the Federal Land.

(v) Nothing in this section is intended to convey authority to the States over Indian Reservations where States have not assumed such authority under other laws nor is it intended to deny jurisdiction which States have assumed under other laws. Where a State has not assumed jurisdiction over an Indian Reservation the appropriate Indian Governing Body may submit to the Administrator a proposal to redesignate areas Class I, Class II, or Class III, provided that:

(a) The Indian Governing Body follows procedures equivalent to those required of States under paragraph (c) (3) (ii) and,

(b) Such redesignation is proposed after consultation with the State(s) in which the Indian Reservation is located or which border the Indian Reservation and, for those lands held in trust, with the approval of the Secretary of the Interior.

(vi) The Administrator shall approve, within 90 days, any redesignation proposed pursuant to this subparagraph as follows:

(a) Any redesignation proposed pursuant to subdivisions (ii) and (iii) of this subparagraph shall be approved unless the Administrator determines (1) that the requirements of subdivisions (ii) and (iii) of this subparagraph have not been complied with, (2) that the State has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3) (ii) (d) of this paragraph, or (3) that the State has not requested and received delegation of responsibility for carrying out the new source review requirements of paragraphs (d) and (e) of this section.

(b) Any redesignation proposed pursuant to subdivision (iv) of this subparagraph shall be approved unless he determines (1) that the requirements of subdivision (iv) of this subparagraph have not been complied with, or (2) that the Federal Land Manager has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3) (ii) (d) of this paragraph.

(c) Any redesignation submitted pursuant to subdivision (v) of this subparagraph shall be approved unless he determines (1) that the requirements of subdivision (v) of this subparagraph have not been complied with, or (2) that the Indian Governing Body has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3) (ii) (d) of this paragraph.

(d) Any redesignation proposed pursuant to this paragraph shall be approved only after the Administrator has solicited written comments from affected Federal agencies and Indian Governing Bodies and from the public on the proposal.

(e) Any proposed redesignation protested to the proposing State, Indian Governing Body, or Federal Land Manager and to the Administrator by another State or Indian Governing Body because of the effects upon such protesting State or Indian Reservation shall be approved by the Administrator only if he determines that in his judgment the redesignation appropriately balances considerations of growth anticipated in the area proposed to be redesignated; the social, environmental and economic effects of such redesignation upon the area being redesignated and upon other areas and States; and any impacts upon regional or national interests.

(f) The requirements of paragraph (c) (3) (vi) (a) (3) that a State request and receive delegation of the new source review requirements of this section as a condition to approval of a proposed redesignation, shall include as a minimum receiving the administrative and technical functions of the new source review. The Administrator will carry out any required enforcement action in cases where the State does not have adequate legal authority to initiate such actions. The Administrator may waive the requirements of paragraph (c) (3) (vi) (a) (3) if the State Attorney-General has determined that the State cannot accept delegation of the administrative/technical functions.

(vii) If the Administrator disapproves any proposed area designation under this subparagraph, the State, Federal Land Manager or Indian Governing Body, as appropriate, may resubmit the proposal after correcting the deficiencies noted by the Administrator or reconsidering any area designation determined by the Administrator to be arbitrary and capricious.

(d) Review of new sources

(1) The provisions of this paragraph have been incorporated by reference into the applicable implementation plans for various States, as provided in Subparts B through DDD of this part. Where this paragraph is so incorporated, the requirements of this paragraph apply to any new or modified stationary source of the type identified below which has not commenced construction or modification prior to June 1, 1975 except as specifically provided below. A

source which is modified, but does not increase the amount of sulfur oxides or particulate matter emitted, or is modified to utilize an alternative fuel, or higher sulfur content fuel, shall not be subject to this paragraph.

(i) Fossil-Fuel Steam Electric Plants of more than 1000 million B.T.U. per hour heat input.

(ii) Coal Cleaning Plants.

(iii) Kraft Pulp Mills.

(iv) Portland Cement Plants.

(v) Primary Zinc Smelters.

(vi) Iron and Steel Mills.

(vii) Primary Aluminum Ore Reduction Plants.

(viii) Primary Copper Smelters.

(ix) Municipal Incinerators capable of charging more than 250 tons of refuse per 24 hour day.

(x) Sulfuric Acid Plants.

(xi) Petroleum Refineries.

(xii) Lime Plants.

(xiii) Phosphate Rock Processing Plants.

(xiv) By-Product Coke Oven Batteries.

(xv) Sulfur Recovery Plants.

(xvi) Carbon Black Plants (furnace process).

(xvii) Primary Lead Smelters.

(xviii) Fuel Conversion Plants.

(xix) Ferroalloy production facilities commencing construction after October 5, 1975.

(2) No owner or operator shall commence construction or modification of a source subject to this paragraph unless the Administrator determines that, on the basis of information submitted pursuant to subparagraph (3) of this paragraph:

(i) The effect on air quality concentration of the source or modified source, in conjunction with the effects of growth and reduction in emissions after January 1, 1975, of other sources in the area affected by the proposed source, will not violate the air quality increments applicable in the area where the source will be located nor the air quality increments applicable in any other areas. The analysis of emissions growth and reduction after January 1, 1975, of other sources in the areas affected by the proposed source shall include all new and modified sources granted approval to construct pursuant to this paragraph; reduction in emissions from existing sources which contributed to air quality during all or part of 1974; and general commercial, residential, industrial, and other sources of emissions growth not exempted by paragraph (c) (2) (111) of this section which has occurred since January 1, 1975.

(ii) The new or modified source will meet an emission limit, to be specified by the Administrator as a condition to approval, which represents that level of emission reduction which would be achieved by the application of best available control technology, as defined in 52.01 (f), for particulate matter and sulfur dioxide. If the Administrator determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an emission standard infeasible, he may instead prescribe a design or equipment standard requiring the application of best available control technology. Such standard shall to the degree possible set forth the emission reductions achievable by implementation of such design or equipment, and shall provide for compliance by means which achieve equivalent results.

(iii) With respect to modified sources, the requirements of subparagraph (2) (ii) of this paragraph shall be applicable only to the facility or facilities from which emissions are increased.

(3) In making the determinations required by paragraph (d) (2) of this section, the Administrator shall, as a minimum, require the owner or operator of the source subject to this paragraph to submit: site information, plans, description, specifications, and drawings showing the design of the source; information necessary to determine the impact that the construction or modification will have on sulfur dioxide and particulate matter air quality levels; and any other information necessary to determine that best available control technology will be applied. Upon request of the Administrator, the owner or operator of the source shall provide information on the nature and extent of general commercial, residential, industrial, and other growth which has occurred in the area affected by the source's emissions (such area to be specified by the

Administrator) since January 1, 1975.

(4) (i) Where a new or modified source is located on Federal Lands, such source shall be subject to the procedures set forth in paragraphs (d) and (e) of this section. Such procedures shall be in addition to applicable procedures conducted by the Federal Land Manager for administration and protection of the affected Federal Lands. Where feasible, the Administrator will coordinate his review and hearings with the Federal Land Manager to avoid duplicate administrative procedures.

(ii) New or modified sources which are located on Indian Reservations shall be subject to procedures set forth in paragraphs (d) and (e) of this section. Such procedures shall be administered by the Administrator in cooperation with the Secretary of the Interior with respect to lands over which the State has not assumed jurisdiction under other laws.

(iii) Whenever any new or modified source is subject to action by a Federal Agency which might necessitate preparation of an environmental impact statement pursuant to the National Environmental Policy Act (42 U.S.C. 4321), review by the Administrator conducted pursuant to this paragraph shall be coordinated with the broad environmental reviews under that Act, to the maximum extent feasible and reasonable.

(5) Where an owner or operator has applied for permission to construct or modify pursuant to this paragraph and the proposed source would be located in an area which has been proposed for redesignation to a more stringent class (or the State, Indian Governing Body, or Federal Land Manager has announced such consideration), approval shall not be granted until the Administrator has acted on the proposed redesignation.

(e) Procedures for public participation

(1) (i) Within 20 days after receipt of an application to construct, or any addition to such application, the Administrator shall advise the owner or operator of any deficiency in the information submitted in support of the application. In the event of such a deficiency, the date of receipt of the application for the purpose of paragraph (e) (1) (ii) of this section shall be the date on which all required information is received by the Administrator.

(ii) Within 30 days after receipt of a complete application, the Administrator shall:

(a) Make a preliminary determination whether the source should be approved, approved with conditions, or disapproved.

(b) Make available in at least one location in each region in which the proposed source would be constructed, a copy of all materials submitted by the owner or operator, a copy of the Administrator's preliminary determination and a copy or summary of other materials, if any, considered by the Administrator in making his preliminary determination; and

(c) Notify the public, by prominent advertisement in newspaper of general circulation in each region in which the proposed source would be constructed, of the opportunity for written public comment on the information submitted by the owner or operator and the Administrator's preliminary determination on the approvability of the source.

(iii) A copy of the notice required pursuant to this subparagraph shall be sent to the applicant and to officials and agencies having cognizance over the locations where the source will be situated as follows: State and local air pollution control agencies, the chief executive of the city and county; any comprehensive regional land use planning agency; and any State, Federal Land Manager or Indian Governing Body whose lands will be significantly affected by the source's emissions.

(iv) Public comments submitted in writing within 30 days after the date such information is made available shall be considered by the Administrator in making his final decision on the application. No later than 10 days after the close of the public comment period, the applicant may submit a written response to any comments submitted by the public. The Administrator shall consider the applicant's response in making his final decision. All comments shall be made available for public inspection in at least one location in the region in which the source would be located.

(v) The Administrator shall take final action on an application within 30 days after the close of the public comment period. The Administrator shall notify the applicant in writing of his approval, conditional approval, or denial of the application, and shall set forth his reasons for conditional approval or denial. Such notification shall be made available for public inspection in at least one location in the region in which the source would be located.

(vi) The Administrator may extend each of the time periods specified in paragraph (e) (1) (ii), (iv), or (v) of this section by no more than 30 days or such other period as agreed to by the applicant and the Administrator.

(2) Any owner or operator who constructs, modifies, or operates a stationary source not in accordance with the application, as approved and conditioned by the Administrator, or any owner or operator of a stationary source subject to this paragraph who commences construction or modification after June 1, 1975, without applying for and receiving approval hereunder, shall be subject to enforcement action under section 113 of the Act.

(3) Approval to construct or modify shall become invalid if construction or expansion is not commenced within 18 months after receipt of such approval or if construction is discontinued for a period of 18 months or more. The Administrator may extend such time period upon a satisfactory showing that an extension is justified.

(4) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with the control strategy and all local, State, and Federal regulations which are part of the applicable State Implementation Plan.

(f) Delegation of authority

(1) The Administrator shall have the authority to delegate responsibility for implementing the procedures for conducting source review pursuant to paragraphs (d) and (e), in accordance with subparagraphs (2), (3), and (4) of this paragraph.

(2) Where the Administrator delegates the responsibility for implementing the procedures for conducting source review pursuant to this section to any Agency, other than a regional office of the Environmental Protection Agency, the following provisions shall apply:

(i) Where the agency designated is not an air pollution control agency, such agency shall consult with the appropriate State and local air pollution control agency prior to making any determination required by paragraph (d) of this section. Similarly, where the agency designated does not have continuing responsibilities for managing land use, such agency shall consult with the appropriate State and local agency which is primarily responsible for managing land use prior to making any determination required by paragraph (d) of this section.

(ii) A copy of the notice pursuant to paragraph (e) (1) (ii) (c) of this section shall be sent to the Administrator through the appropriate regional office.

(3) In accordance with Executive Order 11752, the Administrator's authority for implementing the procedures for conducting source review pursuant to this section shall not be delegated, other than to a regional office of the Environmental Protection Agency, for new or modified sources which are owned or operated by the Federal government or for new or modified sources located on Federal lands; except that, with respect to the latter category, where new or modified sources are constructed or operated on Federal lands pursuant to leasing or other Federal agreements, the Federal land Manager may at his discretion, to the extent permissible under applicable statutes and regulations, require the lessee or permittee to be subject to a designated State or local agency's procedures developed pursuant to paragraphs (d) and (e) of this section.

(4) The Administrator's authority for implementing the procedures for conducting source review pursuant to this section shall not be redelegated, other than to a regional office of the Environmental Protection Agency, for new or modified sources which are located on Indian reservations except where the State has assumed jurisdiction over such land under other laws, in which case the Administrator may delegate his authority to the States in accordance with subparagraphs (2), (3), and (4) of this paragraph.

(39 FR 42514, Dec. 5, 1974; 40 FR 2802, Jan. 16, 1975, as amended at 40 FR 24535, June 9, 1975; 40 FR 25005, June 12, 2975; 40 FR 42012, Sept. 10, 1975)